THE FORUM
FOR MARCH 1916

PROHIBITION

HUTCHINS HAPGOOD

THE present mood of the United States, like that of Europe, is temperate. But, with this chastened mood in the background, the evil of prohibition rears its ignorant head in the spectacular foreground of our political and social life.

The cause of temperance is the cause of civilization. The cause of prohibition indicates an underlying fanaticism which is never present in the most enlightened communities. The most beautiful civilizations of the past have never been Puritanical. Their principle has been one of balance and proportion, and their spirit that of personal freedom. It may be said with essential truth that all high beauty, whether of plastic art or of social conduct, is inseparable from a fine and just proportion. Proportion is a necessary element of true form, whether in art or in conduct. The classic example of the Greeks at their best period will occur to every reader.

The bottle is a symbol of both good and evil. In itself it is good, like sexual love, but like everything else that is good, and especially like love, it is dangerous in proportion to its virtue. To prohibit the use of wine, and other drinks that express the spirit of wine, is in principle the same as to prohibit love, on the ground that it often leads to great evil. It is like trying to suppress life, because life involves such terrible things. The love of life itself may be so feverish and intense that it consumes one—the love of work, the love of beauty, may be a devouring passion, and as such partly evil. Even such love should be controlled by a certain element of coolness, of the recognition of other considerations, which introduces the neces-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sary form, establishes that equilibrium which is the true culture. The big moral wrecks that I know are all due to an extreme attitude, excess in self-indulgence or in self-renunciation —over-expression or over-repression—and the two are intimately related. There is an inevitable swing from one extreme to the other. Deeply dissipated persons have a Puritanical streak, or represent a reaction from something else that is evil, such as social narrowness or industrial and political injustice—from despair because the conditions of their lives shut out from them richness and joy.

Let us see how the strong Prohibition movement, which is even attempting a national law against the manufacture and sale of intoxicating drinks, is related, in some detail, to various aspects of our community life.

There exist in our society, as in all societies, crime, poverty and disease. The Prohibitionists maintain, some sincerely and some insincerely, fanatically and hypocritically—sometimes they mean well, sometimes they do not—that drink is, if not the only cause, at least an important cause of these evils of crime, poverty and disease. What they do not see, or what they pretend not to see—sometimes one, sometimes the other—is that drunkenness is much more the result of crime, poverty and disease than the cause; that drunkenness is born of bad social industrial and cultural conditions, and is not in any important sense a cause of them. They do not see, or will not acknowledge that they see, that to do away with drunkenness, we must do away with the underlying social and industrial causes of drunkenness; that to get rid of the drink evil, it is not enough to legislate against it or try to repress it, but to be willing to criticize ourselves as a society and as an imperfect culture, and to introduce some constructive agencies which will stimulate our social vitality. We cannot suppress drunkenness with the policeman's club or by the mandates of the legislature; that has been proved to any intelligent student's satisfaction.

It is too much to expect, human nature being as it is, that individuals and groups of individuals who occupy a position of undue and harmful advantage, will, of their own free will, for

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the sake of getting rid in large measure of crime, poverty and drunkenness, give up any measure of that advantage, industrial or social. But we may, at any rate, as critics, call them down from their position of conscious or unconscious hypocrisy.

There are, for example, many manufacturers who are discouraging drinking among their employees; and along with these manufacturers go a large crowd of preachers, editorial writers, politicians, and women also, hypnotised by the "morality" of Big Business, who echo and re-echo the evil of drink as an underlying social evil. These men, and that very large proportion of the community animated by the interests and psychology of these men, are naturally inclined to regard, or profess to regard, drink as the cause of social and industrial evil, rather than their own unjust privileges and narrow ideals.

It is easy to see that if the community, and especially the working-people, can be led to believe that their troubles are due in large degree to drink, their attention will be in equal degree taken from the need of social and labor agitation leading to political and industrial reforms. If a working-man believes that the cause of his difficulties is that he drinks one or many glasses of beer, the work of the labor organizer in trying to arouse him to take his part in economic reform is much more difficult. So that the anti-saloon and prohibition agitation is calculated, if not designed, to thwart the real labor movement.

It is also easy to see that if the workingman gives up his glass of beer, he and his family can live on less, and that the employer can consequently decrease wages, and make greater profits. For, as long as the unemployment situation exists, the workingman must always work for the mere necessities; otherwise the employers will call in the unemployed. If the workingman needs less, he will get less. If he does not need the nickels for his glass of beer, those nickels will be added to the profits of the employer; and will thus tend to keep in *statu quo* the present industrial situation, which the workingman, to the degree that he becomes conscious, desires to change. So that the prohibition movement makes less poignant the demand for industrial reforms of all kinds. If child-labor, for instance, is the result of drink and carelessness on the part of parents, why waste

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

time in industrial legislation? Why not simply try to suppress the liquor traffic?

It is only fair to grant that one great good may result from the prohibition movement; it is beginning already to lead to the reform of the saloon—the reform from within. The liquor interests have become conscious of the need of reforming the saloons, in the sense of making them better places and disconnecting them from many of the present evils. These interests see that in order to exist at all they must meet that part of the public criticism which is justified; that better saloons must be developed, better material sold, and the places kept free of universally recognized evils. They are being spurred by the prohibition movement to reorganize from within. And in all fields of progress deep-seeing sociologists recognize the relative vitality of any social change having at least some degree of the initiative and self-control which is the essence of democracy; the doing things for ourselves is infinitely more vitalizing than to have things done for us.

I am not inclined to grant to the prohibition movement any other value than that stated above; in every other way it has worked, and continues to work, evil. It has always been a potent agency in driving the liquor "interests" into politics. Wherever there is prohibition agitation, the "rum" evil, in relation to political corruption, rears its head. The liquor men organize their lobbies, and like any other great business organization that is threatened with limitation or suppression, do their best to influence elections, and after that to influence the public officials, to do their will. The saloons, always more or less attacked, are always in politics, and the more they are attacked the more they are in politics; the more they use their great influence to elect men and support parties who will be "friendly" to them. The "friendliness" they receive in return means the steady demoralization of the public feeling in regard to law. It is the fertile source of police corruption, for the police tend to use prohibitory laws and ordinances as clubs to extort graft. If the liquor "interests" are "good" and generous, they are given protection in avoiding the rigor of the law. A law, if we have it at all, should be respected. It should, therefore,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be as fundamental as possible, and be as little as possible the result of the pressure of group interests. Its righteousness should be almost universally acknowledged.

Prohibition does not prohibit. Statistics are bandied about very loosely by both sides; but I think it is fair to say that in those states that have tried prohibition, alcoholism has not been decreased; but, if anything, has been increased. The quality of the liquor illegally sold inevitably deteriorates, because higher profit is demanded when there is danger of fines and imprisonment. The places where it is illegally sold are as low and base as is conceivable, as all places must be that are banned and driven out of the sunlight of society—morally damp, in physical and spiritual cellars. Moonshine liquor takes the place of beer and whiskey, and dark and intense insanity the place of conviviality and expression.

Nothing which satisfies a real need can be suppressed; and even if it could be it ought not to be, for something as bad as or worse than the evil associated with it will take its place. This is the truth recently brought to us about the inner personal life by psycho-analysis, and it is the old moral and social truth felt by many wise men of all times.

And that the saloon satisfies a real need there can be no doubt; a real need that must be satisfied by the saloon as it exists, or by higher and better forms of the saloon as it may develop. Let us see what the need is that the saloon satisfies.

The saloon has often been called the workingman's club; less frequently we hear it referred to as a "social centre." What do these words mean as applied to the saloon?

The average man who works eight to twelve hours a day in the factory does not, during those hours, express himself. He is engaged in a part of a process with which his personality, as a rule, has nothing to do. He exerts no initiative, is practically a part of the unthinking machinery. It is in large measure an inhuman existence—an existence in which the man's higher nature has little play or opportunity to develop.

When he leaves the factory he too often has no place to go where he can get relaxation or an opportunity to communicate his ideas and feelings with his fellows. His home is in the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

slums, his wife burdened, his children badly off. It is only in the saloon, under present conditions, that the workingman can find mental and temperamental relaxation.

There, in the saloon, where no one cares what kind of clothes he wears, where the bartender does not correct his grammar or his ideas, where for a nickel he can get a big glass of beer and a free lunch, there he can express his ideas and his feelings. He can exchange his sentiments for the sentiments of his fellow-workers. He can talk over the industrial and social situation, gradually become conscious of his real needs and interests, gradually evolve a social attitude, and begin to understand the situation in which he is placed. In that sense, the saloon is an important centre of culture: it is, in part, the breeding-ground of the proletarian or workingman's movement —a movement which is only incidentally a demand for higher wages, shorter hours and better conditions, but is essentially a demand for self-expression, for coöperation in social life, for a share in the initiative of our modern activities.

I remember one day, several years ago, I was walking with a labor leader, of unusual understanding, past the Pennsylvania Station in New York—a building which was nearing its completion. I remarked that the structure had beauty, that the architect had succeeded in expressing his personality—his vision—and that he had given life to the building; that somehow the work was given a unity which was an expression of his spirit; that the soul of the artist had been expressed.

"Yes," said the leader sadly, "I daresay that is true, but do you see that man working on the scaffolding there? He is not thinking about the purpose of the building, or its spirit; he is not joyfully coöperating in a work of art. He is thinking about his wages or about nothing.

"The spirit of the labor movement is to bring that man into a real coöperation with the architect; to enable him to be a joyous worker expressing himself in his work, not a mere cog in a mechanical process. That is the soul of the labor movement. Self-control, self-initiative, self-expression, to work for themselves, not for a master, so that they can realize their dreams, contribute their creative personalities to society, and so add to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the real efficiency of life as opposed to the mechanical efficiency of our day—that is what the labor movement is really about, although there are very few laborers who are really conscious of it."

So spoke the labor-leader to me, and I was deeply interested because it was what I had felt for a long time. The labor movement is at bottom a spiritual demand for a larger conscious part in the constructive activities of life.

And the saloon is the place where the laborer begins to be conscious of his ultimate aim and his ultimate destiny. The saloon plays the part in our modern civilization that the *salon* played in the life of the seventeenth and eighteenth centuries in France. The historical *salons* were gathering-places of men and women who brought together their ideas and feelings about the need of social and political changes. They were centres from which radiated ideas destined to change society from the old aristocracy to the modern constitutionalism. Of course, there were other coöperating agencies; but the *salons* were important elements in the changing and civilizing processes.

And so, in a different way, and for a different class of people, is the modern saloon. It is the most important social centre of modern life. In it are those beginnings in feeling and thought which are needed to change society for the better. To organize the obscure impulses of the "under-dog"; to rehabilitate the industrial outcast by developing for him a philosophy; to awaken a conscious need of grouping together for an effort to rule themselves and conduct their own lives, which is the path of true education—this is what relates the saloon to the old civilizing *salon,* which performed the same nourishing function for a different section of society.

Therefore, evil as much that is connected with the saloon really is, due in large measure to social ostracism and childish conceptions of government and morality, it would be a great social misfortune for the saloon to cease to exist until something else that is better should take its place. And as long as our general conditions remain as they are, the saloon, in one form or another, will, and ought to, remain. It may be much improved by changing it to the European form, where it is more

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

respectable and not regarded as evil; frequented by wives as well as husbands, where there are tables and chairs, opportunity to read and lounge, and where lighter and better drinks are largely sold. These important improvements can be made even under the present industrial and social system—by letting up a bit on our Puritanism and fanaticism, and on the despotic desire of "good" people to suppress those they call bad people.

But the saloon, in one form or another, will exist, and I say ought to exist, until the work of all of us freely expresses what is best in us; until we are all conscious and interested contributors in the work of the world; until, in all of our activities, in our work, in our family conditions, in our amusements, we have the incentive—not the outside spur, but the inner incentive—which comes from the realization that in some way we are creators, that we are expressing ourselves, our talents, our vision, our ideals, in our everyday work and life.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE MURDERER 1915

MARY WHITE SLATER

May 19 Arrived at the penitentiary to-day.
I must exist in the death annex for four months.
Why do I have to live so long?

May 22 A letter from mother in far-off Warsaw. Father Limke wrote it.

Hope to God she never hears of my predicament!
She has suffered enough—from my temper—and from my father's.

I am to be punished—with death.
Who will make it up to her?

May 23 Sunday.

They marched me to chapel.
I could not sing or pray. I could only think.

I asked the guard to show me the electric chair.
He would not. I wonder why?

May 25 Outside, the newsboys shout about the war in Europe.
Within—I sit in a grave.

If I could only give my life for Poland!

Europe is a slaughter-pit. Belgium and Poland are innocent.
I am not that kind of murderer. Strunksky was guilty.
The judge knew that Strunksky was not fit to live.
Why am I punished so severely?

May 30 Memorial Day.
The bands play.
The veterans march with the children.
They place flowers on beloved graves.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The wind breathes through the flowers. Outside it is all fragrance, music, color.

Next year, where I lie, no one will lay flowers.
But a child might stray there.

Does one who kills in sudden rage have a heart as black as one who steals from childhood?

June 3 It rains. Little rivers run in the yard.
Outside it is cool and fresh.

My eyes burn dry—my hands—my feet—my head.
I would like to lie cool and dead at the bottom of a river.
I would like to lie on a hilltop—dead—with the rain on my face.

Three months from to-day I die.

Death is as good as birth, even if there be purgatory.
Life in the stockyards was hell.

Will I falter when the black cap is drawn over my head?
Will I fight with my last strength for my life?
I was always a fighter.

To turn the death-switch on a man—that also is murder.
I could not do that. I am not that kind of murderer.

June 9 The Russians are pressing the Germans back—the guard tells me.

Can Warsaw be in danger?

Poor mother! Poor Poland! To suffer always for others' sins.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

June 12 Saturday. Pay-day once, with supper at the dance-hall with Natascha.

I had not thought I could write her name!

With whom does she dance now? For she dances.

Not with me—or Strunksky!

He was clumsy on his feet. I struck him only once.
I could not know his head would hit the curb.
How could I? He might have lived.

Then I would have gone free.

Is death painless?
What is the great beyond?

June 20 Another Sunday.

In chapel they told me that Bill and Joe go free to-morrow.

They will see Natascha.
I sent her no word. What does she care?

Women are the cause of all the trouble in the world.
I gave her my heart and my money.
She gave me back my heart and kept the money.

June 27 These Sundays will drive me mad!

Does God need to be persuaded by men? Does he like to be praised?

We do not choose to come into the world. We have to struggle, suffer, blunder.

Poland was hell. In Chicago the stockyards were hell.
All I had was Natascha.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Kaiser thanks God for victorious murder. He thinks God is pleased.
I am not that kind of murderer. I do not believe that of God.
God is greater than all of this.

July 4 I am in the hospital!
I may die before September—before the day of the death-chair!
They tell me it is quick consumption.
If only it be quick enough!

Jimmy Doyle—in the next bed—is happy to-day.
His sentence is reduced to life-imprisonment.
He is only twenty.

I am thirty-three. Too young to die. Too worn out to live.

August 29 Still in the hospital.
A paper came from the judge. Father Sobieski translated it into Polish.
I am not to die on Friday! I am to live until December. It is a postponement.

The death chair for my Christmas gift!

The priest brought me an orange.
In Poland, one Christmas, my mother brought me an orange from the great house. I was a very little boy. She told me of the birthday of Jesus.

Jesus was murdered.
I shall go quickly. They murdered Jesus slowly—on a cross.

Now they who build cathedrals in his name
Blast the cathedrals and murder each other.
They want territory, riches, power.
I am not that kind of murderer.

I wanted only to marry Natascha—to work for her.
I hoped that we would have children.
I thought, some day, to send for mother.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FIFTY YEARS OF NEGRO PROGRESS

Some Indisputable Evidence

BOOKER T. WASHINGTON

[A few days before he died Booker T. Washington wrote to the Editor of THE FORUM *suggesting the printing of an article dealing with "the definite, indisputable facts relating to the Negro's progress as a race," and enclosing some pages in which he said he had "indicated very roughly such an article." There is so much of interest and significance in the article, in the figures gathered and interpreted by Dr. Washington, and in the implications of an increasing development of the Negro race, that the Editor of* THE FORUM *feels justified, now that Dr. Washington's work is done and he cannot write the article he desired to write, in printing the notes in which he "very roughly indicated such an article."—*EDITOR.]

EVERY little while some one announces decision that Negroes are making no progress along this or that line; and the conclusions of those who assert that they are, are disputed with great vigor and earnestness. It is the purpose of this article to indicate certain directions in which, in my opinion, Negroes have made progress in such measure as to forestall rational dispute.

TWO KINDS OF NEGRO PROGRESS

There is really but one kind of Negro progress; but the subject is often discussed as if there are two; or, perhaps, I had better say that persons frequently confuse other elements with the subject, and speak of the progress which white persons have made in their treatment of Negroes when they mean to speak of the real progress made by the Negro himself. For example: If one should go into the Negro quarters in a number of the cities where the race is found in largest numbers and note the unsanitary conditions that are largely prevalent, and then go into

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the white residential sections in the same cities and compare the two, he should be likely to conclude that the Negroes are making no progress in sanitation; when, as a matter of fact, the conditions in the Negro sections are largely due to the fact that city officials do not extend to them the enforced sanitary measures which would be vigorously demanded by the voting white residents, if neglected or withheld. The equal extension of sanitary measures to large Negro residential sections by municipal authorities is progress of white people in their treatment of Negroes; while progress in matters of personal hygiene on the part of colored people is real Negro progress; and it is of this latter that I wish to write here.

White Man's Civilization the Standard of Measurement

In testing Negro progress, the white man's civilization is to be the standard of measurement. A recognized authority (The Americana Encyclopædia) states that "Civilization . . . is commonly applied to the upward movements of peoples toward higher intellectual, moral, social, and industrial altitudes." The question which we are to answer, then, is: What indisputable progress has the Negro made during the past fifty years along intellectual, moral, social, and intellectual lines?

Progress Toward Literacy

In setting down the Negro's intellectual progress during the past fifty years, one need not sermonize—the bare recital of the facts will be eloquent and convincing enough. Emerging from slavery, the Negro was not more than 5 per cent. literate—perhaps 95 per cent. of his number was illiterate. The census of 1910 shows that by that year he had reduced his illiteracy to 30.4 per cent., a reduction of 64.6 per cent. Comparing Negro illiteracy with that of the world's population, ten years of age and over, we have this showing:

Negroes—	Per	Cent.	Illiterate	—30.4%
Bulgaria—	"	"	"	—65.5
Greece—	"	"	"	—57.2

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hungary—	Per	Cent.	Illiterate	—40.9
Italy—	"	"	"	—48.2
Poland—	"	"	"	—59.3
Portugal—	"	"	"	—73.4
Russia—	"	"	"	—70.0
Servia—	"	"	"	—78.9
Spain—	"	"	"	—58.7
Chile—	"	"	"	—49.9
Cuba—	"	"	"	—56.8
Mexico—	"	"	"	—75.3
Porto Rico—	"	"	"	—79.6
India—	"	"	"	—92.5
Philippine I.—	"	"	"	—55.5
Cape of Good Hope—	"	"	"	—65.8
Egypt—	"	"	"	—92.7

If the Negro had done no more good than lead Greece and Italy in the matter of literacy, his showing would have been profoundly significant.

Social and Moral Progress

WEALTH

In reviewing the Negro's social and moral progress, we shall examine his wealth statistics first, since, according to the Encyclopædia Britannica, " The economic interpretation is the most searching interpretation of history at its every stage." As an index, in part, to his economic status, the wealth statistics are illuminating.

We have not the figures for all of the Negro's wealth; but the Federal Census Bureau has just released a document which gives the value of the Negro's *farm property, alone,* as one billion one hundred and forty-two million dollars ($1,142,000,000). This sum represents $116.20 per capita for each Negro in the United States.

If one will turn to the statistics of the wealth of the nations of the world, as represented by money in 1911, he will find that with the exception of Argentina, whose money wealth is $135 per capita, the Negro's per capita wealth is more than twice that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of any nation on earth. Or if we examine the reports of the United States Immigration Commission for 1910, we shall find that the Negro's farm wealth gave him a higher wealth rating per capita than was shown by the immigrants of any nation entering the United States for the period 1899-1903; and higher than the rate for all immigrants—$21.57.

I know this is not the most refined method of making the comparisons, according to statistical practices; but it furnishes a rough method of judging whether the Negro is standing still; and if every comparison thus made were vitiated, it would still remain true that for a race which was itself the property of another race in 1860, a wealth of $1,142,000,000, accumulated by the former slaves during the subsequent fifty years, is progress without question.

Negroes operated 893,370 farms in 1910, having an acreage of 42,279,510. The value of these farms increased 128.4 during the ten-year period 1900-1910, alone.

Church and School Property

A conservative estimate of the value of the property of the 550 Negro churches owned in 1863 would be about one million dollars. By 1906, the number of churches and halls for religious services had increased to 36,421, the value of the church buildings alone being $56,636,159. Counting his church buildings, halls and parsonages, the Negro has invested upward of sixty and one-half millions of dollars in church property. This is not only economic progress, but it denotes, also, a continuing and increasing devotion to his religious life.

While it is possible to sever the value of schools owned entirely by Negroes from that of schools not so owned, the significant statement to be made touching the wealth of Negro schools is that during the fifty years of their freedom, Negroes have contributed more than $24,000,000 toward their own education and the property held by schools for their race. This is progress along economic lines and toward self-respect.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Property of Fraternal Organizations

To the preceding totals, we must add the property owned by fraternal or secret societies among Negroes. It is estimated that all these societies own, together, property valued at between nine and ten millions of dollars. Here again we have economic progress, to which must be added the ability, proven, to organize and direct affairs.

Business Progress

I have been much impressed, in my connection with the National Negro Business League, with the showing which Negroes have made in business sagacity and success. Starting in 1863 with about 2,000 business enterprises, the Negro has developed in fifty years some 43,000 business concerns, with an annual volume of about one billion dollars. After we charge against his business account all the failures which he has made in this line, we must still confess that there can be no dispute as to his progress in business.

In connection with this, it should be stated that he has made enough progress in business to warrant the establishment of 57 banks operated by colored people, with a capitalization of $1,600,000, and which do an annual business of about $20,000,000.

A Rising Standard of Living

That the Negro's standard of living has increased is also beyond question. This is capable of proof in two very direct ways. The first is in the ownership and improvement of his home.

While the difference between the number of homes owned by Negroes in 1863—9,000—and that owned in 1913—550,000—may not be an entirely sufficient proof of progress in home ownership, the ten-year period, 1900-1910, indicates that there is an upward tendency in the matter of home ownership. In

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Southern States alone, the proportion of Negro homes which were owned free from encumbrances, rose from 20 per cent. in 1900 to 22.4 per cent. in 1910. Add now to this conclusion the definite statement of the Census Bureau that there has been a decidedly upward movement in the matter of home ownership and this subject may be closed.

If I were not writing of incontestable proofs of progress, I would set down the fact, known to all students of the American Negro, that the latter's standard of living, as expressed in the purchase of books, papers, music and musical instruments and all other visible sign of prosperity, is continually rising. Even on the farm, where the majority of Negroes live, the race increased the value of its farm implements by 81.2 per cent. during 1900-1910, proof that the Negro is buying more and improved farm implements.

The second proof of a rising standard of living is offered by the recent widespread legislation to prevent Negroes from purchasing property in desirable localities. That Negroes wish to live in better neighborhoods and are so financially able to purchase property in them as to make legislation necessary to prevent it, is proof enough to the contention offered under this head.

Health Progress

I can do no better than to indicate progress toward better health conditions among Negroes than to point to the findings of the Census Bureau for 1910. While I had no means of knowing that the crusade being waged by educational and religious organizations for the conservation of Negro life and health would bear fruit so soon, I felt certain, as I went about the country and noted the substantial improvement being made in home ownership and private sanitation, that progress was being made. Comes now the Census Bureau with the statement that the Negro has decreased his death rate in a registration area, embracing 19.7 per cent. of the Negro population, by 3.9 per cent. in the short period of ten years—1900 to 1910.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Negro's Care of His Own Paupers

I think I will not be accused of making rash statements if I say that very largely Negro paupers are excluded from the almshouses of the United States. In the twelfth census, an enumeration of paupers in almshouses was made and the results compared with statistics of pauperism for 1880 and 1890. It was shown that in 1880 white persons contributed 91.4 per cent. of all paupers enumerated and colored persons contributed 8.5 per cent.; in 1890, whites were 91.1 per cent. and colored persons were 8.9 per cent.; and in 1903, white persons were 91.5 per cent. as against 8.5 per cent. for colored people. And yet colored persons were 13.5 per cent., 12.2 per cent., and 12.1 per cent. of the population, respectively, for the years 1880, 1890, and 1900; while white persons were 86.5 per cent., 87.8 per cent., and 87.9 per cent., respectively, for the same years.

Under these circumstances one would naturally expect that the streets and country would be full of Negro beggars, practically in view of the fact that the Negro was practically a pauper himself when he was made a freeman. But that is not so. One of the finest evidences of progress toward independence and self-respect is found in the fact that, during all the years since slavery days, the Negro has so faithfully cared for his poor that there are fewer Negro paupers to be found in public institutions than is true of the races which are bountifully cared for by public and private charity.

Signs of Moral Progress—Church Statistics

Moral progress cannot be measured by statistics; but certain statistics are indicative of definite tendencies. For instance: If we examine the census returns for the period 1890-1906, it will be seen that while the Negro population increased but 26.1 per cent., during the time, the number of church organizations increased 56.7 per cent.; the number of church members increased 37.8 per cent.; church buildings, 47.9 per cent.; and the value of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

church property, 112.7 per cent. In addition to this it is significant that, while only 79 per cent. of all church organizations in the United States reported Sunday Schools, 91.2 per cent. of all Negro religious organizations reported such schools.

It is difficult to escape here the conclusion that Negroes have not only not lost their interest in religion, but that their interest is increasing. To-day, there are 40,000 churches in which they offer their devotions and renew their spiritual life—churches which are their own property.

Marital Condition

In the same way, the Census Reports on the Marital Condition of Negroes have indicated a hopeful sign for the race. Whatever moral weaknesses may be charged against the Negro, whatever interpretation may be put upon the marriage and divorce statistics of the race, it must be admitted that the proven tendency of Negroes to enter wedlock and to refuse to remain permanently single is, when viewed broadly, indicative of a tendency toward social health. That more Negroes marry than whites, and that fewer of the former remain single, are facts set forth by the Census Reports and made the subject of special comment.

Industrial Progress

If the economic interpretation of a race's history is the most searching, it is also correctly said that "the industrial factor is everywhere the most powerful factor in civilization" (Encyclopædia Britannica). Where does the Negro stand in American industry?

The census of 1890 gave the first comprehensive data about Negro occupations. It is not possible in this article to make a detailed comparison of progress in each industry, but a broad view of the subject may be had from the following table:

Percentage of Negroes in Principal Occupations in 1890 and 1910.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

	1890	1910
Agriculture	59.6%	55%
Professions	1%	1%
Domestic and Personal Service	28%	21%
Trade and Transportation	4%	8%
Manufacturing and Mechanical Pursuits	6%	13%

The most important change noted is in a decrease of the preponderance of Negroes in agriculture and domestic and personal service, and an increase in the numbers that are engaged in trade and transportation, and in manufacturing and mechanical pursuits, the numbers engaged in the latter occupations practically doubling within twenty years. This is especially significant because it betokens an increase of skill on the part of colored people, and shows that in spite of general beliefs, and the more general opposition of trade and labor unions to the admission of Negroes into the skilled industries, and the black man is opening the door to these industries for himself, not by any appeal to race or color, but upon the ground of efficiency. This is progress unmistakable, and no refinements of statistical juggling can seriously vitiate this conclusion.

If it be asked what his progress has been in agriculture, the occupation in which the largest proportion of the race is engaged, it is enough to reply that during the ten-year period, 1900-1910, Negroes increased the value of all their farm property 128.4 per cent.; of their live stock 117.7 per cent.; their implements and machinery 81.2 per cent.; buildings 131.6 per cent.; and of their land 133.2 per cent. It is seen, then, that although the percentage of Negroes engaged in agriculture in 1910 is smaller than it was in 1890, the Negroes remaining in this industry have measurably increased their efficiency.

Adaptation to Normal Requirements of American Progress

It must not be forgotten that the Negro's general progress is to be measured, in a way, by his ability to meet the normal requirements of American progress. In its final report, the United States Immigration Commission suggested that the tendency of a race toward Americanization or assimilation into the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

body of the American people is measured by that race's tendency to acquire citizenship, to learn the English language and to abandon native customs and standards of living. I submit in all sincerity that, if these are tests, the American Negro has made wonderful progress toward meeting them during the past fifty years.

When we examine the Negro's tendency to acquire citizenship, or, rather, to qualify for citizenship, it is found that the Negro has been so anxious to secure this boon that legislation has been found necessary to prevent it; and, despite this latter fact, no requirements set for admission to citizenship, save that of color, have been so rigid that he has not been willing and able to meet them. Contrast this with the finding of the Immigration Commission to the effect that the newer immigrant races, because of language considerations, difficulty, expense, increasing rigidity of requirements, and uncertainty of residence in the United States, show little desire to qualify for citizenship in this country.

In the matter of language, the Negro speaks the English mother tongue with facility; and I have shown that his standard of living is continually rising and his customs are those of his white neighbors about him.

Progress "Against the Wind" Is Great Progress

The progress made by the American Negro during the past fifty years has been largely in the face of obstacles. Other races are objects of special and helpful State and Federal aid in many directions, but that is not true of the Negro. The aid to white farmers through the Smith-Lever law is a case in point. With the exception of our own good state of Alabama, which took the lead in the matter, and of Virginia and South Carolina, no Southern state has made provision by which Negro farmers may benefit under this law.

Conclusion: Negro's Progress Is Toward a Civilization of Efficiency and not a Superiority of Force

The progress of the world seems to be toward greater physical power—power to rule others by force and greater power to sweep aside all objection and opposition to this rule of might.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Often I feel proud that I belong to a race in America which can never hope to be superior to the races about it in physical power; but whose growth must be in matters of the spirit and the ever-increasing success which attends such growth. American conditions are making the Negro into the most efficient workman; and the habits of self-control, of making the most of little opportunities and privileges, and the rapidly growing determination of the colored people to be broad in spirit and conduct toward those who misuse them, are making the Negro into that fine type of citizen who may yet become the conservator of the finest and best of real civilization.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE TEMPLE

JEAN MORRIS

WHEN my young eyes were looking out at life
I dreamed of moulding it to some fair shape,
That when at last there was an end of strife
I could look back, and see it nobly stand
Deep-rooted, with a simple dignity
Like some old temple looking out to sea.
In lucid unity each day of mine
Should like its columns guard one thought divine.

But life's opposing thrusts obscured my plan;
With separate duties all my days began.
Though when at last I turned with failing eyes
Arch upon arch I saw my temple rise.
No grecian dream was this, but reaching higher
And soaring up to God, a gothic spire.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE MIRACLES OF MEDICINE*

VISCOUNT HARBERTON

IN religion, an idea has always held the field that unless a man is a D.D., or a B.D., or a D.C.L., or an LL.D., he can know nothing about the subject and is not properly qualified to judge. John Wesley, the great religious revivalist, educated at Charterhouse and Christ Church, Oxford, and in every way qualified to judge, held from 1736 to the day of his death "that giving up witch-craft is in effect giving up the bible." He died in 1791, and any history book will show that, if unqualified people had not objected, the qualified opinion would still be burning witches. In medical circles, this notion is still paramount and unless a man is M.D., F.R.S., F.R.C.P., L.R.C.P., L.R.C.P.E., or F.R.C.V.S., the fully licensed medical practitioners will be aghast at his presumption at having any opinion in medical matters at all. Whether they have any due cause for this attitude is worthy of consideration. Take a common cutting such as this:—

> *Sunday Times, 1.xi.14.* A verdict in accordance with the medical evidence was returned at an inquest at Marylebone yesterday, on the Rev. Dr. Douglas Lee Scott, aged sixty-eight, headmaster of the Mercers' School, lately residing at Sydenham.
>
> It was stated that a fortnight ago he complained of internal pains, and, under the doctor's orders, was removed to a nursing home for the purpose of an operation. This was *successfully* performed on Thursday, but death occurred soon afterwards.
>
> Dr. Spilsbury said death was due to heart failure from an embolism in the pulmonary artery and was unconnected with the operation or the anaesthetic.

You doubtless perceive that the operation was "successfully performed." The patient died, yes, but not from that. The qualified opinion, on such occasions, states that the operation could not have killed the patient, or the patient would not be alive at the end of it. Obviously then, the cause of death must be sought for elsewhere, not there. The unqualified opinion sees no necessity for seeking elsewhere.

* All newspapers mentioned in this article are published in Great Britain.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In qualified opinion, every operation is "successful" unless the patient actually dies while still on the operating table. In unqualified opinion, as expressed by the relatives of the corpse, this use of the term "successful" is not appreciated. Here is another "successful" operation.

> *Daily Express, Feb., 1914.* "Dr. Mills of Guy's Hospital gave evidence yesterday on William George Moore, a carman, on whom an operation was performed, and who died afterwards, but not as a result of the operation."

In other words, William George Moore was successfully removed from the operating table before he expired. No mention of the operation appeared in the Coroner's verdict, and, as far as can be gathered, this case is not included in the list of unsuccessful operations. A writer in *The Socialist Review* signing himself M.A., M.D., M.C., tells of a surgeon who had nine consecutive deaths after operations for appendicitis, and in not one of these cases did any mention of an operation occur in the death certificate.

Here is a not altogether successful operation:—

> *Times, 13.2.14.* The efforts of doctors to save the life of a boy who died under an anaesthetic at St. Bartholomew's Hospital were described at a city inquest yesterday. It was stated that the boy, Alfred Joseph Freeman, suffered from adenoids and enlarged tonsils and a defect in the nose, but was otherwise apparently healthy.
>
> Dr. Alfred B. Smyth, house surgeon, said that the doctor's efforts to revive the boy lasted two hours and a quarter. A tube was passed down the trachea, and oxygen forced into the lungs; an electric battery was resorted to, strychnine and extract of sheep's brains were injected, brandy and saline were given, and tracheotomy was performed.
>
> Dr. Bernard H. Spilsbury said that death was due to heart failure, from the condition known as *status lymphaticus*.

And this was the verdict. Unqualified opinion would be the simple one that the boy failed to stand the operation, or the anaesthetic. And if he could not stand that, he certainly could never have survived the efforts to revive him. The struggle there would

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have delighted Homer: oxygen pumped in, extract of sheep's brains injected, electric battery resorted to, and his throat cut, and then—dead. Cause of death—"Heart failure from condition known as *status lymphaticus*." But the case is not included in the figures of "successful" operations. That is something.

Taking such cases into account, it is not surprising to find that the proportion of successful operations to unsuccessful is something like 1,000 to 5.03. Accordingly, if a patient dies who has been attended by a herbalist, or some unorthodox doctor, the fully licensed man will demand an inquest and assert that if an operation had been performed the patient would, in all probability, still be alive. Once this system is realized, it is not surprising how rare it is to find any mention of any medical *nostrum* in a death certificate. This is peculiarly the case in the two great medical triumphs of vaccination for typhoid and small-pox.

Here is an example:—

> *Lytham Times, Nov. 6th, 1914.* In readiness for foreign service, the Lytham Territorials were vaccinated on Wednesday of last week, and deceased (R. Parkinson), whose heart and lungs were declared to be perfectly sound, was taken ill almost immediately, all the use going out of his limbs. . . . On Monday morning, when Alfred (his brother) fell in for parade, the Captain called him out, and said he had better go to hospital, as "Bob" was very bad. When he arrived, the poor lad was unable to recognize him, and two men were holding him down night and day. . . . That night "Bob" died, at the early age of eighteen.

The cause of death in the man's death certificate is given as meningitis. He was vaccinated for typhoid but this is not mentioned. Nevertheless unqualified opinion thinks that it should have been.

> *Newcastle Chronicle, 1915.* At an inquest at Bates Cottages, Northumberland, yesterday afternoon on the body of Private Peter Lockey, of the 2nd. Batt. Tyneside Scottish, Dr. Taylor Dixon gave evidence of attending Lockey on his return home last week after being inoculated. He complained of shooting pains in the head, but appeared to have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

got over the reaction of inoculation. . . . He made a *post-mortem* and found one of the orifices of the heart was enlarged and not acting properly. That was the chief cause of death. Inoculation, in the doctor's opinion, was highly efficacious. The jury found that the deceased died of heart disease.

On a coroner's jury, the jury have to return a verdict in accordance with the medical evidence, which evidence by no means invariably represents their private opinion.

Staffordshire Weekly Sentinel, Jan. 16, 1915. Private A. Fitzgerald, whose home was at 26, Ricardo Street, Hanley, had joined the 4th. North Staffords in Guernsey. He died a few days ago from heart failure as a result of inoculation.

The cause of death in the man's death certificate is given as "Hyatid Cyst of the liver," which is, according to his colonel, a most unusual cause of death.

Dublin Evening Telegraph, April 22nd, 1915. Reports inquest on Private J. H. Baily, who died suddenly after vaccination. He had been complaining of vaccination for three or four days.

The Regimental Doctor attributed death to heart failure, and a verdict to this effect was given by the jury. Vaccination not mentioned.

Somerset Guardian and Radstock, Nov. 7, 1914. Reports funeral of Lionel Shearn, youngest son of Mr. and Mrs. J. Shearn of Winterfield, Paulton, Somerset. He was 19 years of age and died 14 days after leaving home to join the army. He was vaccinated shortly after reaching Hilsea Barracks, 14th Battery R.F.A. He died on Oct. 27.

The death certificate says "meningitis." But the lad's parents and other unqualified opinions attribute his death to vaccination.

However, perhaps the most startling case of a verdict "in accordance with the medical evidence" is this:

The Woolwich Pioneer, March 19, 1915. Reports inquest on Alfred William Hume, private, stationed at Woolwich.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

He was inoculated at Shrapnel Barracks, and almost immediately afterwards fell down in a heap in an out office. He was taken outside and died in the yard before the doctor arrived. Verdict, "Death from Natural Causes."

Needless to say, the unqualified opinion of the man's comrades was staggered by this. In fact, they marvelled.

Surely every one of average human intelligence is competent to have an opinion on the direct effect of vaccination with either of these vaccines. Is this opinion at once to retire into the background because the best qualified opinion has stated that "with proper care, inoculation has never been known to do a man harm?" A leaflet making this statement, with the approval of the War Office, has been signed by the following celebrities as under—

T. Barlow, M.D., F.R.C.P., F.R.S., *President of the Royal College of Physicians, London.* A. H. Freeland Barbour, M.D., F.R.C.P., *President of the Royal College of Physicians, Edinburgh.* W. Watson Cheyne, M.B., F.R.C.S., F.R.S., *President of the Royal College of Surgeons, England.* F. Macdowel Casgrave, M.D., F.R.C.P., *President of the Royal College of Physicians, Ireland.* F. Conway Dwyer, M.D., F.R.C.S., *President of the Royal College of Physicians, Ireland.* J. W. B. Hodson, M.D., F.R.C.S., *President of the Royal College of Surgeons, Edinburgh.*

That is to say six very highly qualified medical authorities have given an unqualified support to Wright's vaccine. Less qualified authorities will be found to give a less unqualified support. And the still less qualified opinions often give an unqualified denial. Does such testimony necessarily establish the merits of Wright's typhoid vaccine? What is the use of asking a President of a Medical College what he thinks of a treatment that has been prescribed and adopted in that college for the last five and twenty years? Unless these six authorities had been devoted to vaccines and serums they would never have become presidents of serum-phil establishments. You might as well ask the Archbishop of Canterbury if he believed in the efficiency of the Eucharistic Sacrament.

There might be in inoculation some sense in asking the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

opinion of an anti-inoculation doctor, for here you would have a man who must have thought on the subject, and who was giving up every chance of advancement in his profession, and he would not do this for the fun of it. Successful men think what it pays them to think. Unsuccessful men do not. But the best thought is not necessarily along the road to success. Accordingly, though it may be a fine thing when six medical presidents sign a statement declaring that inoculation has never done a man harm, and though it may be a fine thing that four out of these six have *impresario* double-barrelled signatures, yet it would be more to the point if any one of these six stated that he himself had ever been successfully inoculated with the two standard injections of the Almroth Wright vaccine now practically compulsory in the Army. Not one of them has. Why? Their reputation is as safe as a house, for there would be no mention of the inoculation on the death certificates, that is quite certain. Again, when Sir Almroth Wright joined the Expeditionary force at Boulogne, is it not the fact that he omitted, before leaving us, to have himself safeguarded with his two standard injections? Did he funk it? In his case, too, his death certificate would never have given him away. What had he to fear?

Now, is there any way by which we can come to a decision on questions of this sort for ourselves without appealing to authority? There should be, and there is. A medical celebrity would tell you that it took years of research, a thorough acquaintance with all the human organs, and a complete grasp of the experiments of eminent bacteriological experts, and that even then you had but entered the threshold of knowledge. You would, doubtless, thank him with tears in your eyes and withdraw, and his butler would press a leaflet of medical statistics into your hand as he showed you out. This has been the attitude of the Church for generations in all religious questions. Unless you were prepared to spend 16 hours a day for 12 years in theological research you must be content to remain in abysmal ignorance. Why not accept the teaching of the Church dignitaries who had studied the authorities and were competent to judge? On the other hand they would have to admit that only those who had been successfully convinced by the standard arguments could

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ever become church dignitaries. This is an exact analogy of the medical position to-day: "If you do not believe, you'll be damned, and you ought to be damned if you do."

The right attitude, then, of a rational sensible man with regard to marvels, whether of medicine or scripture, is simply that of probability. This needs no study. He should ask himself what the marvel consists of and whether it is probable that it occurred. Roughly speaking, this was the attitude adopted by Hume in 1770 to the miracles of Our Lord, viz., whether it was more probable that the occurrences took place as recorded, or that the testimony recording them was false. He inclined to the latter view, which may be regretted, but that is his affair, and his view is not, like vaccination in the army, compulsory.

In some ways, the Church is fairer than the doctors. For the Church does not conceal from you what the miracles of Our Lord were, or what they consisted of. The miracles are stated; it is admitted that they rest on the testimony of the apostles, who were in no sense of the word divine; and it is simply a question whether you are satisfied. At the same time, they do not encourage you to approach the matter in that spirit. You are brought up to see that the scripture is an emblem of purity breathing truth, and any semblance of doubt on the matter spells an eternity of sorrow.

In the two great Medical Miracles of immunity from Typhoid and Small-pox, the doctors conceal from you what the vaccines consist of that render you immune. Doubt, they say, there is nothing to doubt. Read the statistics. In the vaccine for small-pox, apparently they do not know any more of the matter themselves than that originally it was some form of cow-pox, and that what it consists of now cannot, and does not, in any way affect the statistics.

Well, well, but if all brands of cow-pox produce very similar statistics, why is the cow-pox the cause of the statistics? Some years are fruitful of apples, some of hops. Is all this also due to the brands of cow-pox? And, if so, why? However, as far as can be gathered, here is the miracle of cow-pox. Judge it for yourself.

A calf is tied up on a table and its belly is shaved. About

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

one hundred incisions "each about an inch long" are made and these are impregnated with some form of something resembling cow-pox. From the eruptions that arise a fluid is obtained, from which hairs and other extraneous matter are removed. This fluid is put in a tube and thence inserted into your arm. You are then said, without any reason being given, to be practically immune from small-pox. Now is that probable? Or, is it more probable that the mixture does you no sort of good at all?

The miracle of vaccination against typhoid is this: a broth is obtained by boiling certain microbes found in human excrement. If you are impregnated with two large doses of this broth at an interval of 14 days, you are said to be practically immune from typhoid. Which is the more probable, that? or that the mixture does you considerable harm and no sort of good?

So much for the miracle quâ miracle. The second consideration is the testimony. As to testimony, Hume's position is as follows:

> "No testimony is sufficient to establish a miracle, unless the testimony be of such a kind that its falsehood would be more miraculous than the fact which it endeavors to establish."

Having gone so far, let us compare the miracles of scripture lock, stock and barrel, with similar miracles of medicine and see which best emerges from the contest.

In a biblical miracle, a man sick of a fever is told to arise and walk. In a medical miracle, the fever is anticipated. The physician prepares you in advance for its advent and renders you immune not by faith but by inoculation. Here we have two distinctive types of miracle: the miracle by expulsion, and the miracle by injection. In the one case the unwelcome visitor is expelled by word of command; in the other, or ante-arrival cure, he is kept out before he comes. If the fully licensed medical practitioner, with his vaccines for small-pox and typhoid, can do what he claims, then his miracle is, in its way, quite the equal of anything in scripture. Have we any means of deciding as to the comparative merits of these marvellous twins? Yes, by Hume, i. e., by their probability and by the evidence offered us in their

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

support. As to probability, the miracles of medicine equal those of scripture. They are distinctly improbable and sound like a madman's dream. Let us examine the respective evidence.

The witnesses for the bible miracles must be classed as good. The testimony has been studied, and handed down to us as irrefutable, by countless ministers in holy orders ordained to purity and pledged to truth, both for its own sake, and lest, as they believe, they may be warmed up for a considerable time, to a considerable extent and perhaps for ever. This consideration cannot but afford a distinct counter-motive against a mere love of the marvellous. Then, those who originally reported the miracles were reporting something which several people saw, or said they did, and which they had no particular inducement, pecuniary or otherwise, to have seen or not. The professional reporter was the work of a later period.

Furthermore, since no portion of their income was dependent on the truth of every detail of every miracle, our divines were able to make concessions to determined bodies of doubters, till the amount of faith necessary to salvation had been reduced to a minimum. Accordingly they did so, with rather more bitterness than might have been expected from the sanctity of their calling, but without, it is hoped, undermining " the impregnable rock of holy scripture."

Now consider the miracles in vaccines for typhoid and smallpox as performed by the fully licensed medical practitioner. These have no eye-witness. They are wrapped in mystery. Even the medicine expert himself cannot say what the smallpox vaccine actually consists of. The miracle is a negative one. No mortal man can ever have seen a single medical miracle actually happen, and, as it were, place his finger thereon. The medical miracle is a time-wonder " wrought on the woof of time." It is a negative miracle. In the positive miracle, something occurs before your eyes. In the negative miracle, nothing occurs. It happens by not happening. It may be this year, next year or never. Where is it then? Perhaps nowhere.

It should be pointed out that a negative miracle affords a far bigger margin for fraud and error than a positive one does. When something takes place in a street and those near by see

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it, there seems reason for accepting their report. But when something is said not to have happened, because of something done some days, weeks, months, or years previously, various considerations come in which weaken the conclusion. The miracle, too, *quâ* miracle, seems, at first sight, a poor effort compared to something vivid done before your eyes. This, however, may be a mis-conception. Would you, on reflection, assert that, in the cleansing of one miserable leper, a miracle has been performed equal in size to the cow-poxing of whole communities into life-long immunity from a highly respected disease of position and standing such as small-pox? Yet this is the claim set up by the wizards of medicine in their miracle of cow-pox (Vaccination). Consequently, one may assume that the Medical Miracles are equal in the size of their improbability—or approximately so —to the scriptural miracles, and it is a question of what kind of evidence is offered us in their support. This writer considers that if, as he believes to be the case, the evidence put forward for generations, by men of exceptional purity, has been held insufficient to establish the miracles of scripture, then assuredly the evidence put forward by the fully licensed medical practitioners is quite insufficient to establish the miracles of medicine.

To commence with, a doctor in a parish is not like the incumbent possessed of a living, though encumbrances of this nature exist termed medical officers of health. A doctor's first object, then, may be said to keep alive and "make a practice." But how is he to do so, if people refuse to be ill? By the great medical miracle of the age? By anticipating disease? May he inoculate you? The advantage to you is a calculation of the chance of a disease coming your way divided by the probability of the vaccine keeping it out, which medical statistics assert to be very much in your favor. The advantage to the fully licensed medical practitioner is more obvious, for, in any case he "trowsers" his fee in advance, and, should the miracle misfire, he is still prepared, in accordance with medical etiquette, to let bygones be bygones and tend you on the usual terms. These, however, may come rather heavy if his anxiety for your welfare should prompt him to camp in the house. You may then find

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that his preventative miracle only applies to the potential disease and not to the subsequent fees for medical attendance.

In the second place, what kind of testimony is brought by the fully licensed medical practitioner in support of his miracles? Will the witnesses stand before you and sustain a cross-examination? Very seldom. Perhaps the most eminent witness in favor of Wright's anti-typhoid miracle is General Sir Francis Lloyd, K.C.B. This General states that in S. Africa he was inoculated against typhoid, that he caught typhoid and he believes that Wright's vaccine saved his life. That is a fine example of faith. Perhaps the General will give us the date when he first believed that Wright's vaccine had saved his life. Did the vaccine give him typhoid as well? But, as a rule, a doctor's witnesses are not alive. They are an endless roll of statistics and percentages, supplied, worked out and published by the vaccine venders themselves. Now had these figures been compiled by the clergyman of the parish where they occurred, and had they been published with pontifical authority by the bishop of the diocese, even then it would have been permissible to doubt. But when the Vaccine Vender is responsible for the whole production, human nature being what it is, the truth of the figures would be about as wonderful as the miracle to which they testify.

From a medical point of view, there has been every possible reason to accept the Miracles of Medicine. For instance, with vaccination, every baby vaccinated means a certain fee into the pocket of some doctor somewhere. Secondly, fees come in on a very generous scale for attending to the subsequent complications that usually ensue, including the signing of the death certificate, in which of vaccination no mention will be made. It is all very well to condemn "unqualified" opinion, but surely most of us are quite qualified to judge as to whether a very common medical *nostrum* produces satisfactory results or not, particularly in our own circle. We may be also qualified to say whether it is probable that it can produce satisfactory results. Quite as well, say, as a doctor "pocketing" a nice fee for every baby vaccinated. Common sense should suffice us. Moreover, many uneducated people have unconsciously adopted Hume's position. You will hear them say—"I will never put stuff of that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

kind into any child of mine. It don't seem natural," or "I could never hold with nonsense of that kind." In other words, the improbability of the miracle has been too much for them.

When you remember that doctors of medicine are not, like doctors of divinity, pledged to truth; and when you remember that they are professionally interested in their own miracles to an extent undreamt of by any divine, you cannot help feeling that the evidence offered in support of their miracles is very thin. In fact, a humane man would never hang a dog on their evidence, let alone run the risk of ruining a man in the prime of life. Nevertheless, a doubter's outlook is anything but promising. In the medical hierarchy the man possessed of a devil is being replaced by the microbe-carrier, the harborer of dangerous germs. The unbeliever, the Jonah to the community, is now giving way to the uninoculated as the new public peril. The following was printed in one of "Eye-witness's" narratives from the front.

> *Spotting a "Carrier."* A few cases of typhoid fever occurred in one of the supply parks, and men continued to fall sick in spite of every precaution taken, including the removal of the units to fresh billets. Upon report being made of this all the men engaged in the preparation of the soldiers' food and all those who had previously suffered from typhoid were paraded and examined by the bacteriologist, with the result that one man was discovered to be a "carrier." So soon as he was removed the unit remained free of the disease.

Perhaps Jonah was a "carrier," and that is why the whale wouldn't have him either! Nevertheless, it might be a nuisance to be called a "carrier" when afloat on the ocean.

Looking at the matter without prejudice, one cannot help being struck by the concatenation of fortunate circumstances that accompanied the pioneer miracle of vaccination from its birth. First, the moment of its inception coming upon the scene just when the mild small-pox given by small-pox inoculation was being found out to be little milder than the real article. Then came the statistics so favorable to its establishment, in that when medical men ceased to sow small-pox broadcast by inoculating with small-pox, this disease naturally declined, for cow-pox was dis-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seminated in its stead. Also various improvements in sanitation and the treatment of diseases commenced and gained ground at this time, which made small-pox a much less serious ailment than it used to be. None the less, there were several considerations that should have weakened this predisposition. (1) Jenner—the cow-pox king—was a singularly incompetent man, even for a country doctor. (2) He contradicted himself in his claims over and over again. (3) He recognized at least two brands of cow-pox, one spurious and one genuine; the one you didn't have was the genuine one, if trouble resulted. (4) The origin of the belief in cow-pox has been traced to a superstition common among Gloucestershire dairy-maids. (5) Poor people, who attended to their own children, and saw the effects of vaccination for themselves, have repudiated it in increasing numbers every year, their opinion being in all probability the *bona fide* expression of the results of a bitter experience.

The case is much the same with the Almroth Wright anti-typhoid vaccine. Most educated people believe in it simply because they have already accepted vaccination. The poorer classes accept neither. Wright's anti-typhoid vaccine, being recent, the data are ready to hand. It was first tried on a large scale during the S. African War, and nearly all the troops from England were inoculated on board ship on the way out. The results were so unsatisfactory that the War Office discontinued it. This was of course a terrible blow to the prestige of Sir A. Wright of the Royal Army Medical Corps, lecturer at Netley Military Hospital and Inventor of the Wright vaccine. He continued experimenting on soldiers in military hospitals, and he continued to urge the Secretary of State for War to re-introduce his vaccine into the Army as an established precaution against enteric. Eventually the Secretary of State for War referred the matter to the Royal College of Physicians, to whose arbitrament the question of the efficacy of the anti-typhoid inoculation was referred. They reported on July 27, 1903, in the following terms:

> "After careful scrutiny of the statistics from both official and private sources which have been made available, we are

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of opinion that not only is a lessened susceptibility to the disease brought about as a result of the inoculations but that the case mortality is largely reduced."

At first sight, some might say an opinion of that kind is far before that of the private soldiers and other unqualified people in India and elsewhere. On the other hand, it should be noticed that the Royal College of Physicians have only examined the statistics which were compiled, arranged and issued by Wright himself. What is more, in addition to being pre-committed to inoculations of all kinds, these genial arbitrators have not sought or even asked for the hostile evidence of soldiers who have seen their comrades evilly affected by the vaccine and even die of it. Plenty of soldiers will tell you that the vaccine affords little or no protection, and that the valuable statistics are obtained by calling Typhoid *para-typhoid* if you are inoculated and typhoid if you are not inoculated. The War Office took the precaution this time, before officially sanctioning the Wright vaccine, to say that it must not be compulsory. Unfortunately the medical board at the War Office have practically annulled that proviso, and, at the present moment, a soldier refusing inoculation has lost all chance of promotion in his regiment, even if he ever reaches the front.

Now, in a matter of this kind, why is the opinion of soldiers who have served in India and in Africa an unqualified opinion? They have been inoculated themselves, or met plenty of others who have been inoculated, and they are quite as well entitled to judge of the Wright vaccine as a medical board who have only examined statistics, or as its author, whose invention has already been condemned once and who has everything to gain by re-establishing it. The Wright vaccine is admitted to be made out of microbes obtained from excrement and boiled into a broth. Probability hardly suggests any permanent benefit from a soup of that kind. It suggests the reverse.

This faith in qualified opinion has always been an insurmountable obstacle to the liberty of private judgment. In religion, for years, any one who doubted the miracles of Our Lord would be confronted with a doctor of divinity, and if the divine could show that the doubter did not know the distance of Ramoth

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Gilead from Jerusalem, either per camel or via the coast, the D.D. would count that he had won all round and had proved that the doubter was an ignoramus who had no right to any opinion on so sacred a subject.

This is the attitude now adopted by doctors of medicine. The fully licensed medical practitioner has Greek names for English complaints, abstruse terms for simple things, he writes his prescriptions in Latin, and he calls himself "We." He also revels in a large variety of technical terms mostly Graeco-Roman in construction: he then asks the unqualified person how he can put his street talk, his bar-parlor chat against the knowledge of men like Sir Almroth Wright, Kt., M.D., F.R.S., F.O.S., Hon. F.R.S.C.I., Hon. Sc.D., Fothergillian Gold Medallist, educated Dublin, Leipzic, Strasburg and Marburg, and Professor of Pathology at Netley Hospital; or against the knowledge of Sir William Osler, M.D., F.R.S., F.R.C.P., educated at Trinity College School; Trinity College, Toronto, Toronto University: McGill University, Montreal; University College, London; Berlin and Vienna, LL.D., McGill, Toronto, Aberdeen, Edinburgh, Yale, Harvard, Johns Hopkins, Liverpool and Leeds; or against the knowledge of Sir William Boog Leishmann, Kt., F.R.S., M.B., C.M., R.A.M.C., and Assistant Professor of Pathology at Netley.

The unqualified person notes that Wright, though finely educated, missed the Johns Hopkins. Can it be that he failed to get in? What does it matter? All that matters is his claim. It may, perhaps, seem an extraordinary thing that the so-called educated classes should be those who accept the stupendous medical testimony concerning the miracles of medicine, while the so-called uneducated classes are "not taking any." On the other hand, it is more than possible that this is quite the usual order of things and should occasion no surprise, particularly in medical tenets. Has there ever been a belief started and circulated and accepted by the vast majority of people in the street which the erudite who read books have rejected and shown to be false? Not one. All history has been written by men of considerable scholarship and learning, and it is permeated by a hoary delusion, common to men of letters, that all superstition is due to igno-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rance, and all sense to study and education. One need not blame them for thinking so, and, doubtless, they all believe it, but is it true? Do unqualified people invent strange dogmas, and doctrines, and circulate them for professors and pedants to annihilate? Never in the world. Qualified people maintain the curious delusions, and unqualified folk steadily find them out. It seems odd, and it takes time, but there it is. And, unless unqualified folk stand by one another, we are in for an era of the tyranny of experts.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE SUPREME SIN

A Tale of Devil-worship in Paris

JAMES HUNEKER

"Et Diabolus incarnatus est. Et homo factus est."
—*From the Litany of the Damnéd Saints.*

"Shall no new sin be born for men's trouble?"
—SWINBURNE.

"Let us deny Satan!"
—SAR PÉLADAN.

I

IDLY tapping the metal-topped table of the café with his stick, Oswald Invern waited for the Hollin boys. They had promised, the night before, to be punctual. It was past eleven and the pair had not turned up; he was bored, irritated. If they couldn't remember their engagement, well and good; but why——!

"Oswald, have we kept you waiting?" intoned two pleasant tenor voices. There they were at last! Oswald made room for them on the divan and at once the twin brothers began smoking. Harry fetched a pipe from the bulging pocket of his coat and Willy lighted a cigarette. It was their pet affectation to pretend that they disliked any suggestion of twin-ship. Willy wore high heels and fashionably-cut clothes so as to appear taller than his brother, while Harry sported Bohemian velvet and a broad-brimmed hat. But both agreed as to art and brotherly love. People endured them for these salient traits, though Oswald declared that it only made them the more stupid.

"No headache this morning, Oswald?"

"No heartache this morning, Oswald?"

The young man envied them as they pulled their fan-shaped beards and sipped their vermouth-citron. They were in key with the cosmos and he was not.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Neither one nor the other," he absently replied.

"But is not Miss Tilney a charmer? I saw you looking at her the entire evening. Come now, say?" Harry Hollin spoke with enthusiasm. Invern slowly shook his head and he continued to gaze down the Boulevard de Vaugirard. The café stood at the meeting of this boulevard and the Place du Maine, across from the Gare Mont-Parnasse. The Avenue du Maine intersected the Place and, while beyond the choicer precincts of the Quarter, there was no spot on the "left bank" that was gayer in silent weather or duller when the rain fell. This particular morning the sky reported a delicate pigeon blue, a *nuance* that occasionally may be seen in Paris after a storm; it had withdrawn above the housetops and was immeasurably far away; a melochromatic horizon was tinged with flushes of pink and ochre. The twins followed Oswald's eyes and boiled over ecstatically:

"What tones!" cried Harry.

"I could model them in precious gems!" exclaimed his brother.

"There you go, with your atelier slang," muttered their companion. "I've been in Paris ten years longer than you and you beat me as a Frenchman."

"*Ca ne biche pas?*" Harry continued. "It's lovely."

"*Oui, c'est kif—kif!*" chimed his brother. Invern watched them, the echo of a smile sounding across his compressed lips. He was not more than twenty-eight; a slender figure proclaimed his youth. The head was well set on his shoulders. It was the expression of his frowning forehead and large, dark, heavy eyes that made the man look much older. Not dissipation, rather discontent, marred features of a Byzantine type. Yes, he had been thirteen years in Paris and these foolish good-hearted fellows only three; but they knew the *argot* of the Beaux-Arts better than he, and they openly boasted their anti-Americanism. He asked them:

"Frankly, what are you going to do with yourselves in America—when you get there?" They answered in happy unison: "Make money."

He shook his head.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Make money by selling tombstones—that's you, Willy!—and painting society dames in impossible attitudes, tints and expressions—that's you, Harry."

"Never mind us, Invern. *You* may never go, but if you do—a comic opera with a howling success is our wish."

"I'll never return—now," said Invern. "The cursed microbe of artistic Paris is in my system. And, what's more, I'll never do anything. When a Yankee comes over here to paint he tries to paint like a Frenchman. Look at the three Salons with their half-baked imitations. Let me finish"—the brothers had lifted angry shoulders—"and if a Yankee studies music here he composes French music ever afterwards—French music which is a sad mixture of German and Italian; eclectic style, the wise ones call it."

"And if he goes to Germany?" demanded Harry.

"Then he composes German music." Suddenly Willy stood up.

"I have solved the mystery. This pessimism, Oswald, is the result of—of—why, you're in love, man! I know her name. It's Miss Tilney—June Tilney. The secret is out."

"Is her name June?" asked Oswald irrelevantly.

"It's June and she's rich as the sound of her name." The Hollin boys were irrepressible this gay morning.

"So! But why June?"

"You're interested. Listen," interpolated Harry. "She's a Yankee girl with a Russian mother—or had one—and she was educated in London, Russia, Italy, Germany, Paris——"

"Go on! Why not New York?"

"She never saw New York, but she speaks United States."

"And," added Willy, "the Count hates it like the dickens."

"What a pair of rattles you are! Who's the Count?"

"Why, Count Van Zorn, her guardian, of course. Haven't you met old Van Zorn yet? He's *very* musical, goes to all the swell musical salons of Paris, to the Princesse de Brancovan, to the Comtesse de Blanzay, to Duchesse de Bellune, to the Princesse de Bibesco——" Oswald held up his hands in consternation.

"Stop! I don't care a sou where he goes. Who is he?"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"He's very rich and looks after June Tilney's affairs. And —they say—wants to marry her—only thirty years' difference —she won't have it, though she likes the old codger and is seen everywhere with him—and they say the *Rasta*—he's from Roumania or South America—goes in for magic and puts spells upon the girl."

"Drop the *nufle,*" interrupted Oswald. "The main thing now is breakfast. And, incidentally, why don't you marry the girl yourself, Willy?"

"*C'est a Bibi!*" exclaimed Harry, pointing to himself. "Willy has signed over all rights and interests to his loving brother. And we have the *cabot* on the run—he will be here in five minutes;" the brothers were embarrassed after this statement. Their friend stared at them shrewdly for a moment and then laughed—one of his rare "Rosmersholm" laughs, as the brothers had christened such a happening.

"So that's the game? Coming here to *déjeuner!* Miss June with him?" They blushed over the tops of their beards. Invern began grumbling.

"Oswald!" exclaimed the boys deprecatingly; they were fond of him, notwithstanding his frowns and gloomy moods. A waiter was summoned and the order given for the midday meal. "Five plates, Louis, and have the whitest table linen in the house, please!"

After the introductions Oswald again admired the girl he had seen the previous night. She had accompanied the fraternal pair much against the wish of her guardian to a ball in the Quarter and she had not, she said, found it wonderfully diverting. The color of her eyes was hazel—they were wide with golden flecks in them, the same curious gold as her hair—and her little ears and nose with its tiny nostrils, that became inflated when she was interested, held the gaze of the young man. Under his dyed eyebrows Count Van Zorn regarded the company. It was not quite to his liking, the Hollin brothers soon discovered, so they engaged him in conversation and paid him exaggerated compliments. His bird-like profile, with the dull, prominent eyes, moved slowly from one brother to the other.

"Who's your friend?" he finally asked. He was told all

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sorts of impossible things; Invern was the coming composer; he had not arrived yet, but——! The Count grunted. He had heard this *blague* before. In Paris all your artistic friends are just about to, but never do, arrive. Miss Tilney spoke to Invern.

"It is charming to think of an American giving up his great country for the sake of music—preferring notes to gold." He made a gesture of disapproval.

"Ah, don't play the modest genius," she gaily cried. "You know, I am very sensitive to genius. I've never heard your music, yet I'm sure you are doomed to greatness—or sorrow." She added these last two words under her breath. Oswald heard them. He started and looked into her eyes, but he might as well have questioned two pools of light; they reflected no sentiment, nor did they directly return his glance. Across the table the Count made a motion and she colored; he summoned at the same time the attention of the young composer.

"You write music, do you?" he asked in a grating voice. "I am a composer myself. I studied with a great Russian musician, now dead. I——"

"Tell us about *Sar* Merodack Péladan," interrupted the vivacious Willy; "tell us if you ever witnessed his incantations." Every one but the Count and Invern laughed. The girl rapidly said something to her guardian. It must have been in Russian. He shook his head.

"Not to-day," he answered in French.

"No secrets!" the brothers adjured. At last the crowd began to modulate into that hazy amiable humor which follows a copious breakfast. As they drank coffee conversational themes were preluded, few developed; the ball of dialogue was lightly tossed and Oswald noticed that Miss Tilney could, at will, be American, French, German, Russian and English, and again Russian. Like a many-colored skein she unwound her various temperaments according to her mood. With him she was sombre; once she flashed anger at the Count and showed her teeth; for the two Hollins she played any tune they wished. The real June Tilney—what was she? Oswald wondered. But, when he fancied himself near the edge of a revelation, his mind must have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

collided with her guardian's,—Van Zorn's expression was repellent. Invern greatly disliked him. The talk drifted to art, thence to religion, and one of the Hollins jested about the Devil. Count Van Zorn fixed him at once.

"No one must mock sacred things in my presence," he coldly announced. The others were startled.

"M. Van Zorn!" said Miss Tilney. Oswald saw her hands fluttering in nervous excitement.

"I mean it," was the firm response of the Count. "The Devil is the mainspring of our moral system. Mock him and you mock God—who created him. Without him this world would be all light without shadow, and there would be no art, no music—the Devil is the greatest of all musicians. He created the chromatic scale—that's why Richard Wagner admired the Devil in music—what is 'Parsifal' but a version of the Black Mass! Ah! it is easy to see that Wagner knew Baudelaire only too well in Paris, and was initiated into the mysteries of Satanism by that poet who wrote a Litany to Lucifer, you know, with its diabolic refrain!" These words were fairly pelted upon the ear-drums of his listeners. The girl held her peace, the brothers roared at the joke, but Invern took the phrases as a serious insult. He arose and bowed.

"The Count sees fit to insult my art—very well! But I am not compelled to hear any more." Before he could leave June plucked at his sleeve and tried to hold him; stranger still was the behavior of the old man. He reached across the table, his hands clasped in supplication.

"My dear young man," he panted, "I meant no offence. Pray be seated. I adore your art and practice it daily. I am a devout Wagnerian. I was but repeating the wisdom of certain ancient Fathers of the Church who ascribed, not without cause, the origin of music to Satan. Do not be annoyed. Beg of him, June, not to go." Invern fell back in his seat bewildered by this brusque cannonade. The Count held up his ten skinny fingers.

"These claws," he cried, "are worn to the bone on the keyboard. I belong to an antique generation, for I mingle music and magic. Credit me with good intentions. Better still, visit

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

me soon—to-night—June, we go nowhere to-night, *hein!* Perhaps as you do not believe in the existence of the Devil, perhaps music—*my music*—may——"

Oswald received a shock, for a small foot was placed upon his and pressed down with such electric vigor that he almost cried aloud. It told him, this foot, as plainly as if its owner had spoken: "Say no! Say no!" Responding to a stronger will than his own, he did not answer.

"Ha, you fear the Devil! But I assure you the Devil is a gentleman. I have met him, conversed with him." His voice filed down to a brittle whisper and to the acute perception of the young man an air of melancholy enveloped the speaker. Oswald hung his head, wondering all the while. Was this fanatic really in his sane senses? And the girl—what part did she play in such a life? Her voice cut sharply across his perplexity.

"Dear guardian, stop your Devil talk. I'm sick of it. You spoil our fun. Besides you know the Devil is not a gentleman at all—the Devil is a woman." Shocked at the very tone of her voice, almost as harsh and as guttural as her uncle's, Oswald intercepted a look rapidly exchanged between the Count and his ward. The blood rushed to his head and he slowly clenched his fists. Then he arose:

"I don't know what you boys expect to do to-night, but I'm going to see the Devil—I mean the Count; that is, if he does not withdraw his invitation." The Hollins looked regretfully at Oswald and Miss Tilney. She had upset the salt and was slowly passing the tips of her fingers over its gritty surface, apparently dreaming, leagues distant. The Count was almost amiable.

"Ah, my dear June, I shall at last have an auditor for my bad Wagner playing! I live, Monsieur Invern, around the corner in the little Impasse du Maine, off the Avenue. We are neighbors, I think, and perhaps it may interest you to know that we, June and myself, inhabit the old *atelier* of Bastian Lepage, where he painted Sarah Bernhardt, where, also, unfortunate Marie Bashkirtseff was often wheeled to see the dying painter."

"Oh! oh!" remonstrated the girl in a toneless voice, "first

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Devil-worship, and now studio scandal. Fie!" Her high spirits had vanished; her face was ash-grey as she bowed to Invern. After shaking hands with the brothers, Count Van Zorn turned to him and said:

"Don't forget—eleven o'clock. Impasse du Maine. The Devil perhaps; anyhow, Wagner. And the Devil is a gentleman." He tittered, baring his gums, his painted eyebrows high on his forehead.

"The Devil is a woman," tremulously insisted the girl. "Have you forgotten Klingsor and his 'Rose of Hell'?" With Van Zorn she disappeared.

II

When he reached his room Invern sat on the bed. These new people puzzled him. He had shaken off the Hollin brothers, telling them they were idiots to have introduced such an old lunatic to him.

"But we thought you liked occult Johnnies!" had been their doleful answer; and then Oswald bade them seek the old Nick himself, but leave him to his own thoughts; many clustered about his consciousness during that afternoon; the principal one, the girl. Who was she? With all the boastings of the brothers that Count Van Zorn was welcome in distinguished musical circles, Oswald made up his mind to a decided negative. That man never went into the polite world nowadays, though he may have done so years before. An undefinable atmosphere of caducity and malodorous gentility clung to this disciple of music and the arts esoteric. How came it then that June Tilney, so mundane, so charming, so youthfully alert, could tolerate the vulture? What a vulture's glance suggesting inexpressible horrors was his brief, warning look! Oswald grew dizzy. "By God!" he groaned, "no, not that! But surely some sort of diabolic business!"

Why not go? Nothing but boredom could result at the worst, and boredom in his life was rapidly merging into a contempt for existence, contempt for this damnable Parisian morass. His ambition had winged away years before. Occasionally at

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dusk, on white summer nights, he seemed to discern a flash of some shining substance aloft, and felt his eyes fill, while in his ears he heard the humming of a great, colored melody. Then he would make marks in his note-book and the next day forget his infrequent visitor; he believed in old-fashioned inspiration, but when it did arrive he was too indifferent to open the doors of his heart.

The Devil? Any belief but the dull, cynical unfaith of his existence, any conviction, even a wicked one, any act of the will, rather than the motiveless, stagnant days he was leading. Why not call on the Count? Why not see June Tilney again? He recalled vaguely the freshness of her face, of her presence. Yes, alert was the word, alert, as if she were guarding herself against an enemy. Ah! hiding a secret. *That* was in her light fencing, feathery raillery, cold despondency, half-smothered anger, fierce outburst, and, at the close, in her obstinate defiance. What did it all mean? He sat on his bed and wondered.

And in the dim light of early evening he heard his name called, once, twice—with the memory of June Tilney's warning earlier in the day pressing thick upon his spirit, he rushed into the hallway from whose vacancy came no response to his excited challenge. Yet he could have sworn to the voice, a soundless voice which had said to him: "Don't go! Don't go!" Oswald put on his hat, picked up his walking stick and left the house. . . .

III

He wandered up and down the Boul' Mich' obsessed by his ideas, and the clocks in the cafés were pointing to five minutes of eleven when he turned from the Avenue du Maine into the little street, closed at one end, which bears the name of the adjacent avenue. Invern had never before been in this Impasse du Maine, though he had passed it daily for ten years. He remembered it as a place where painters and sculptors resided; it was dark, and the buildings for the most part were dingy, yet his impression, as he slowly moved along the lower side of the street, was not a depressing one. He reached the number given him as the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bells in the neighboring church began to sound the hour. He had not time to summon the concierge when a hand was laid upon his arm; a woman, wearing a hood, and enveloped in a long cloak peered at him through a heavy veil. He knew that it was June Tilney and his heart began to pump up the blood into his temples. She stooped a little as if endeavoring to hide her identity, and in her hand she carried a little cane.

"Don't go in!" she adjured the young man who, astounded by this apparition, regarded her with open-mouthed disquiet.

"Don't go in—there!" she again admonished him. "It means peril to your immortal soul if you do. I caution you for the *second* time."

"But how can it harm me?"

"I have warned you," she answered abruptly—was this his June Tilney of the bright morning airs?—"and I repeat: it is my wish that you do not visit here to-night." Something in her tone aroused opposition.

"Nevertheless, Miss Tilney, I mean to see the Devil to-night."

"Then go see her! But deny her if you dare!" She vanished in a doorway across the street. . . .

Shocked as was Oswald, he stolidly pulled the bell until the massive doors opened. A light at the end of a large dim court showed him the staircase of the *atelier*. A moment later he had let fall a grinning bronze knocker in the image of a faun's hoof, and he had hardly time to ask himself the mystery of Miss Tilney's request, when he was welcomed by Count Van Zorn.

Nothing could have been pleasanter than the apartment into which he was conducted. The Count apologized for the absence of the young lady—Miss Tilney was a slave to social obligations! Invern winced. He looked about him, while the Count busied himself with carafe and glasses. Decidedly an ideal home for a modern wizard of culture. Book-shelves crowded with superb volumes, pictures of the Barbizon school on the walls, an old-fashioned grand pianoforte, an alcove across which was drawn black velvet drapery; everything signalized the retreat of a man devoted to literature and the arts. There were no enchantments lurking in the corners. Then his glance fell upon

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a warmly colored panel, a Monticelli, of luscious hues with richly wrought figures. It depicted a band of youths and maidens in flowing costumes, strayed revellers from some secret rites, but full of life's intoxication; hard by stood an antique temple, at its portals a wicked smiling garden god. And over all was the flush of a setting sun, a vivid stain of pomegranate. . . . The desk of the piano held an engraving. Invern approached, but turned away his head. He saw that it was by that man of unholy genius, Félicien Rops. The Count crossed to his visitor and smilingly told him to look again.

"My Rops! You do not admire this 'Temptation of Saint Anthony'? No? Yet how different in conception from the conventional combination of the vulgar and voluptuous. Wagner's 'Parsifal' is only a variation on this eternal theme of the Saint tempted by the Sinner. The Woman here is crucified—what a novel idea!"

Invern was ill at ease. The place was not what it seemed. He read the titles of several imposing tomes: the "Traité Methodique de Science Occulte," by Dr. Papus; Sar Péladan's "Amphitheatre des Sciences Mortes," and "Comment on devient mage"; "Au Seuil du Mystère" and "Le Serpent de la Genése," by Stanislaus de Guaita. Eliphas Levi, Nicolas Flamel, Ernest Bosc, Saint-Martin, Jules Bois, Nehor, Remy de Gourmont's "Histoires Magiques," and many other mystics were represented. Upon the dados were stamped winged Assyrian bulls, the mystic rose, symbolic figures with the heads of women and anonymous beasts, lion's paws terminating in fish tails and serpent scales. Inscriptions in a dead language, possibly Chaldean, streamed over the walls, and the constellations were painted in gold upon a dark-blue ceiling. Luini's "Sacrifice to Pan," an etching of the picture in the Brera at Milan, caught his eye and he wondered why its obvious Satanic quality had been so seldom noted by diabolists. A cumbrous iron lamp of ornate Eastern workmanship, in which burned a wisp of green flame, comprised all that was bizarre in this apartment; otherwise, the broad student's table, the comfortable chairs and couches, did not differ from hundreds of studios on the left bank of the Seine.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Count Van Zorn coaxed Invern into a lounging chair and gave him a glass of wine. It was Port of a quality that to the young man's palate tasted like velvet fire. He was soon smoking a strong cigar in company with the old man, his fears quite obliterated. But his visitor noted that the Count was engrossed. As he sat, his eyes fastened upon the pattern of the polished parquet, Van Zorn looked like a man planning some grave project, perhaps a great crime. His head was hollowed at the temples, on his forehead the veins were puffy, his eyebrows, black as ink in the morning, were now interspersed with whitish-grey—the dye had worn away. At intervals he groaned snatches of melody, and once Invern heard him gabble in a strange tongue.

"And the music and the magic!" broke in the young man, weary of this interval. Slowly Van Zorn arose and stared at him steadily with his bird-of-prey eyes.

"Have you ever realized," he finally began in sing-song tones, "what an instrument for good or evil is the art you profess to practice? Hear me out," he continued, as the composer made a motion of dissent; "I don't refer to the facile criticism which classifies some music profane, some music sacred. The weaklings who are hurt by sensual operatic music would be equally hurt by a book or a picture; I refer to the music that is a bridge between here and—over there, over there!" his voice sank as he waved his lean brown fingers towards the alcove. "In the days of old, when man was nearer to nature, nearer to the gods, music was the key to all the mysteries. Pan and Syrinx answered its magic summons. A lost art, lost with the vulgarization of the other beautiful arts, you say? I deny it!" He drew up his rickety figure as if he held the keys of a conquered city.

"No! I repeat, music is still the precious art of arts and across its poisonous gulf of sound, on the other side, *over there,*" —again he pointed to the alcove, with its sable velvet funeral pall—"the gods await our homage. Wagner—a worshipper at the diabolic shrine—pictured his faith in 'Parsifal.' He is his own Klingsor, and the music he made for the evocation of Kundry came straight from the mouth of hell. Ah! now it burns the senses! How it bites the nerves—'Gundryggia there, Kun-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dry here!' Yes, the gods and the greatest of all the gods, my master. Music is the unique spell that brings him to his worshippers on earth. We near the end of things. This planet has lived its appointed years. All the sins—*save the supreme one*—have been committed, all the virtues have bleached in vain our cowardly souls. Tell me, young man, tell me," he grasped Oswald by his wrist, " do you long for a sight of the true master! Through the gates of music will you go with me to *my* heaven where dwells the Only One?"

Invern nodded. He was more curious than afraid. With apish agility Van Zorn darted to the pianoforte and literally threw his hands upon its keyboard. A shrill dissonance in B minor sounded; like the lash of hail in his face the solitary auditor felt the stormy magnetism of the playing. He had sufficient control of his critical faculties—though it seemed as if he were launched into space on the tail of some comet—to realize the desperate quality of the performance. It was not that of a virtuoso; rather the travail of a spirit harshly expressing itself in a language foreign to its nature. The symmetry of the Wagner structure was almost destroyed; yet between the bits of broken bars and splintered tones there emerged the music of some one else, a stranger, newer Wagner. Was the Horla of Wagner buried in this demoniacal prelude to the second act of " Parsifal " struggling into palpable being! Carried before the banners of this surging army of tones, Oswald clutched his couch and eagerly listened to the evil music of Klingsor and Kundry.

He saw the stony laboratory with its gloomy battlements, on which the necromancer Klingsor witnessed Parsifal defeat the emasculate squires. He saw the mystic abyss hidden in the haze of violet vapor from which, obeying the hoarse summons of her master, Kundry slowly emerged. Her scream, the symphonic scream of woman, beast or devil, fell upon his ears as though an eternity of damned souls had gnashed their teeth. And the echoes of her laughter reverberated through the porches of hell.

Gundryggia dort! Kundry hier! The succubus, or she-devil, demon, Rose of Hell, after vainly refusing to obey the demands of the harsh magician, sinks with a baffled cry: " Oh! Woe is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

me!"; the vast fabric of Klingsor's abode shivered, dissipated into nothingness. But there followed no shining garden filled with strange and gorgeous flowers, shapes of delights, wooing maidens with promises of unearthly love on their lips. Vainly Oswald awaited that scene of tropical splendor with its dream-terraces, living arabesques, and harmonious comminglement of sky and mountain, earth and fountain, the fair mirage painted by Klingsor's dark art. It did not appear. Instead the music became no longer Wagner's, became no longer music. Van Zorn amid brazen thunders wrenched himself from the key-board, and prostrate upon the floor fairly kissed its surface, mumbling an awful litany. The room was murky, though violet hues suffused the velvet at the end. Invern became conscious of a third person, where he could not say. An icy vibration like the remote buzzing of monstrous dynamos apprised him that a door or window had been opened in the apartment which permitted the entrance of—what! His heart beat in the same rhythm with the mighty dynamos and the hoarse chanting of the Count.

"O Exiled Prince on whom was wrought such wrong!
Who, conquered, still art impious and strong!"
"O Satan have mercy on us!"
"O Satan, patron saint of evil!"
"O Satan take pity on our misery!"
"O Prince of Suicide, Maker of music!"
"O Satan have pity on us!"
"O Father of Pain, King of Desolation, true Master of the House of Planets!"
"O Satan have mercy on us!"
"O Creator of black despair!"
"O Satan take pity on us!"

Indifferent Christian as was Invern, his knees knocked at this sacrilegious Baudelarian invocation. The violet grew in intensity as the prayers of the blasphemer increased. Slowly across the sombre velvet stretched in patibulary attitude a human skeleton. No thorns crowned its grinning skull; instead a live viper wreathed about its bony nest and turned glittering eyes upon the two men. Van Zorn's voice became a wail, calling down impreca-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions on earth to men of good will. He cursed life and praised death, and his refrain was ever:

"O Satan take pity on our misery!"

Oswald no longer heard him. With hysterical agitation he remarked the transformation of the adumbrated phantom. The skeleton had begun to carnify—its frame was first covered with ivory-white flesh, and then, with amazing velocity, a woman bourgeoned before his eyes. Gone the skull, gone the viper. In their stead emerged the delicate head of a goddess—filleted by Easter lilies—with smiling lips, enticing pose, the figure of a delicious nubility. Hazel were the wide, gold-flecked eyes that shot forthright shafts into the bosom of Oswald, and charged him with ineffable longing. The arms, exquisite in proportion, the graciously modelled torso, pierced him with an epileptic ecstasy. And the crazy tones of Van Zorn assailed his ears as if from a great distance:

"O Satan have mercy on us!"

But the entranced youth cared little now for the diabolic litany. One idea seized and was burning up the vital spark of him. As the creature waxed in beauty he knew her—June Tilney! Yes, it was she—or was it the daughter of the devil in the Rops picture?—who drew him toward her with an irresistible caress in her eyes; eyes full of the glamour of Gehenna, eyes charged with sins without joy, penitence without hope. Forgotten her warnings before this Kundry of Golgotha.

" O Satan come down to us," rhythmically crooned the grovelling old man.

This, Satan? This radiant maiden with the flowery nimbus and beaming eyes, her young breasts carolling a magnificat as they pointed to the zenith—Oswald stumbled to the foot of the gibbet, in his ears the throbbing of death. Her glance of cadent glory transfixed him. Scorched by the vision, some fibre snapped in his brain and he triumphantly cried:

" Thou art a goddess, not the Devil."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A freezing blast overturned him, the saints of hell encircled him, as he heard Van Zorn's grinding sobs:

"Thou hast denied the Devil! Thou hast committed the Supreme Sin! Quickly worship, else be banished forever from the only Paradise!"

Sick, his lips twisting with anguish, Invern had sufficient will to close his eyes and despairingly groan: "Son of Mary, save me!" The apparition crumbled. After a panic plunge he found himself somehow in the wintry street, his forehead wet with fear, his nerves tugging in their sheaths like wild animals leashed, his heart a cinder in a world of smoke. . . .

From Asia Minor, years later, the brothers received a letter signed by Oswald Invern. In it there were misty hints of monastic immurement, and the hopelessness of expiating a certain strange crime, compared with which the sin against the Holy Ghost is but a youthful peccadillo. The Hollin boys giggled in unison.

"What joy!" they exclaimed, "to have invented the Supreme Sin!"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

HENRY FORD—AND THE OTHERS

BERNARD DAILEY

IT was the good ship *Oscar II,* lying at the dock side in Hoboken, with imperturbable Scandinavian sailors and stevedores bustling about, wrestling with baggage and the confusion of baggage; brawny blonde under-officers at gangway entrances irresolutely permitting a steadily flowing stream of people to go aboard; and on the docks a crowd of people, a tightly packed mass of men and women that was possessed of movement only at the outer edges.

There was a surging in the crowd and some great, heavy-footed men thrust their way through the solid mass of people. They ringed about a man in a long coat with a big collar of brown fur out of which arose a head with fair hair, and a face without color on which there was drawn tight the smile of a sick man; and out of the smile there looked, with quickly roving glances, troubled and unhappy eyes. It was the face of a man who didn't quite know what to do about something; but a man who had surrendered himself to the thing he was caught up in just as he surrendered himself to the squad of big-breasted policemen that made way for him through the crowd.

There was tumult in the crowd during the passage of the man; yelling and clapping and shrill screaming. And during it all the same sick smile seemed to be drawn over the face of the man, a smile that did not change or disappear or gleam more brightly, a fixed and enduring smile that gave rise somehow to disquiet and uneasiness. It was not at all in accord with the joyous mood of the great crowd on the dock.

The man slowly was urged through the crowd and up the long gangway and onto the deck of the *Oscar II,* and then Henry Ford disappeared into a cabin somewhere, and the tumult on the dock subsided.

But the crowd on the dock stayed. There was something inexplicably appealing to the imagination that is America in the fantastic enterprise the sick-looking man had launched—

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

launched, seemingly, without knowing how or why, or what he was going to do with it after he got it launched.

Personages came and departed; they thrust their earnest way up the long gangway and very few of them came down again. One came down with his head held high, and his famous crowd-embracing smile gleaming—the unutterable Mr. Bryan, late Secretary of State; another came down that long walk, shrinking, endeavoring, in very fact, in that congregation of the unshrinking, to conceal his identity, but he was betrayed—"There goes Edison," shouted a voice, and the crowd roared, and Edison took himself off, flanked by policemen, to hide in the multitude at the dock's edge.

A strange gathering, truly! A crowd quite serious, no doubt, in its individual heart; a crowd appalled at the slaughter of humanity in Europe and responding automatically to the splendid vision of the crusader against slaughter; a crowd that came down to the dock side prayerfully to encourage the crusader in following his vision.

But the crowd inevitably became infected with the carnival spirit. Perhaps the metaphysicians who pry into the mysteries of mob psychology can explain it, the crowd bent on so serious an idea as stopping the monstrous thing that is ravaging Europe, suddenly becoming playful and happy.

Forward on the lower deck a young Jew was chattering steadily in Yiddish, bantering first a group obviously of his acquaintance, but soon taking in larger groups and many more people in the crowd. There were many Jews there, and the badinage of the young man on board gradually took them all in, and brought responses, in Yiddish mainly, and bantering quips and cries in turn.

And at my side the man with the dark eyes said: "What a hell of a way to set out on such a noble expedition! I don't suppose really it ever could accomplish the thing it's setting out to do. But what a great thing it is to dream it and to try to do it. It's a new thing in the world. The man is mad, of course; but there's such an unaccountable, quixotic nobility in the madness that can not only dream but actually enter upon so splendid a quest! I wouldn't care if it never accomplished anything; I

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

don't suppose it could if it started off under the happiest auguries and was attended by all the goddesses of fortune. But it *is* a new thing in the world, a perfectly mad thing, I suppose; we all seem to agree about that. But it's so fine to think it could be attempted at all, a dream really too fantastically fine ever to think of coming true. I feel somehow that it ought to mean something—unimaginable things—to the world hereafter. Not very many of us can have visions, you know; and these visionaries who are so hopelessly mad seem to be somehow alive in the world's memory. You can think of a great many of them if you'll try. The world owes more to these wild-eyed folks who follow the gleam than the world ever has been willing to acknowledge. God seems to be pretty good to visionaries. And perhaps . . .

"But here was a tremendous thing, a perfectly stupendous thing. What it might have meant to the world if it could have kept pace with the dream! And here——"

A great disgust seemed to fill him.

"It's like a minstrel show. It's cheapened and made unutterably contemptible. The man who saw that vision, who dreamed that impossible dream, is on board there somewhere, and he doesn't even know that his splendid hope is being traduced and made mock of by irresponsible jesters who never knew the meaning of his dream."

"But surely it's best to start off in high spirits and with good cheer," I said.

"Certainly," said my crowd-neighbor, "but this isn't just good cheer and high spirits. It's a total lack of understanding of the dream the madman Ford dreamed. Look at all those people on board! Go over the names of those who finally accepted and are going to sail. How many of them know what it's about? Look at all the women. I don't object to them because they're women. They belong there, just as they belong everywhere else. But I object to them because they're negligible women. And negligible men, too. There are all sorts of people aboard; all the indurated minds on the North American continent. And they're going to stop this war! Some of them will stop it with the single tax, some of them with socialism in all the

DRURY COLLEGE LIBRARY
Springfield, Missouri

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

varying offshoots of that interesting but depressing dogma; some of them with universal suffrage and feminism, and with the initiative and referendum, and—— But I can't talk about it. I don't suppose I have ever witnessed so benumbing a tragedy; it seems quite the noblest dream man has imagined in our time made into an ignoble and ridiculous thing. Look at them, setting off to heal the vastest sickness the world has ever known, and entering upon their quest with jests on their lips that profane the dream.

"Oh, I know there are some people aboard who have the vision, and who are quite certain to follow it. But how few they are, and how many adventurers, how many out for a lark and a joy ride, how many quaint and fuzzy folks who never can know the fine vision Henry Ford had when he said to himself—with what an unimaginable glow in his heart that he would do it!

"And it could all have been done so much better, just as high-heartedly and adventurously, but with the true genius of America in it, ignoring governments, endeavoring to bring to peoples in Europe the realization that kings and dynasties really don't matter, but that peace is possible between peoples if peoples will only see it.

"That's the tragedy of it. It's a splendid dream turned to dust. A voyage for which all the preparations were bungled, fated to futility."

And I turned then to the rail. An actor—or the husband of an actress—was keeping the crowd a-titter with his sallies. Someone asked him why the ship was delayed in sailing.

"You know it's a Ford," he said, smiling the fond and fatuous smile of the man who tells a favorite story with a point that all humanity will understand.

"I guess it's pretty soft, boarding two weeks on Henry," said the happy jester.

And then appeared Henry Ford at his side, with a real smile now, and a kind of *abandon* in his manner. Ford leaned over and said something to the jester.

"All right, make it five," said the jester.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The crowd laughed again. Then a voice timidly questioned the jester.

"When are you coming back?" it said.

The happy jester linked his arm in Ford's.

"When Henry does," he answered. And he smiled as one pleased with his labors when the crowd roared again. Could it be, I wondered, that this blithe and happy spirit had been invited to go on a crusade so alien in its implications to every expression of him? And that he would, actually, in that same joyous person, participate in the councils and deliberations of those charged with determining seriously where the crusade was to go and what it was to do when it got there?

And as I wondered the man who dreamed the great dream, feeling the ship begin to move under him, gathered roses in his arms, and with something of the vision gleaming now in his eyes, threw them out and down, to his wife, standing with Mr. Edison at the dock side beneath him, and on the heads of the crowd gathered there to bid him Godspeed on his unprecedented voyage.

So sailed the great crusade for Peace. And I came away wondering.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AN ABUNDANCE OF MODERN ART

WILLARD HUNTINGTON WRIGHT

THE present month is a notable one for the number and quality of painting exhibitions. At the Montross Gallery there are Cézannes—water-colors and oils of both early and late periods. At the Knoedler Galleries there are two more Cézannes, some Renoirs and a number of modern and the more academic French painters. The Modern Gallery has more and better Cézannes and some new Picabias. *Chez* Stieglitz, at 291 Fifth Avenue, is an exhibition of the water-colors of Marin, a comparatively new and healthful arrival in the field of modernity and one to be closely watched. The Daniel Gallery has a modern mixed show of varied contemporary tendencies; and at the Gamut Club is gathered together an interesting group of the younger experimenting and serious men. All in all, New York should have been feasting its æsthetic appetite, or having its habitual laugh (along with most of the professional critics) over the work it cannot understand.

The most important pictures are those of Cézanne, a large collection of which is now shown for the first time in this country. Unhappily the work on view at the Montross Gallery is not of his best. The French picture dealer, probably banking on the ignorance of the American public, has sent Cézanne's least important paintings in the hope, perhaps, of creating a demand which he will supply later with better pictures, at the same time augmenting the prices. But notwithstanding the mediocrity of the display, there are many interesting works to be seen. The oil still-life, which was added later to the exhibition, raises the tone of the entire show and compensates somewhat for the effrontery of such pictures as *The Fisherman* and the absurdly high-priced water-color, *The Watermelon.*

The essence of Cézanne is to be had in his water-colors. In these essays one can see at what goal he was aiming—a goal which is more or less obscured in the greater complexities of his oils. Even had he never mentioned his theories, in these pictures one can see more conclusively that color-form, and not

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

objectivity, was his method of expression. That these color-forms resulted in realistic pictures is a detail. To recognize the truth of this, compare any one of the water-colors with a painting by Childe Hassam. In the latter, where objectivity is the ultimate desire of the painter, each object is important as such; each fleck of sunlight shines, each shadow is a pool of transparent coolness. Indeed, the canvas is as joyful as a precise memory of the out-of-doors, and its emotional importance lies in this very approximation to reality. Now look at the Cézanne. Perhaps half the paper is covered, perhaps only a third. Thin lines of paint or pencil delimit masses posed over hollows or leaning, in balance, away from other masses. Along these lines are thin strips of color, which, by their consistent justness, define and create the entire surface of a volume *whose actual surface is nine-tenths white,* and place it immovably in a spatial relation to its environmental volumes. So are his water-colors brought into life.

Now, it is obvious that objective nature is more servilely rendered in the Hassam than in the Cézanne, and that, standing before it, one has a greater realistic realization. According to the criterion of the average critic, Hassam has more nearly accomplished the mission of the painter, which is to hold up the glass to nature. But in conceding Cézanne to be the greater artist, on what grounds does the critic base his judgment? Certainly not on the basis of realism, or even on the theory that Cézanne makes prettier patterns: on both these counts he is conspicuously lacking. The solution permits of but one answer —namely: Cézanne was a composer of volumes in whose stuff there is not enough literary recognition and poetic sentiment to obscure the empathic reaction in the observer. In other words, the balances of masses and lines correspond (though in a simple statement) so well to the more usual and conscious movements of the human body that the spectator has no difficulty in projecting the memory-life of past dynamic experience into those lines and volumes, thereby endowing the picture with the vitality that the picture calls up in the spectator. This *Miterleben,* which is aroused by external stimuli, is not dissimilar to the emotional process that sometimes makes us endow animals and trees with

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

all the feelings experienced by ourselves as human beings. When this emotion, or reaction, is carried through a consistently ordered series of evolutions, at the end of which ordeal we feel a resultant sense of completion and satisfaction, we have experienced what, for lack of a better name, we call æsthetic emotion.

Much of the general lack of æsthetic appreciation is due to the fact that most people expect to enjoy a complex modern painting at first glance. As well try to comprehend a Brahms, Mozart or Beethoven symphony at one hearing. As well try to enjoy Balzac's *Un Menage de Garçon* or Conrad's *Victory* in an hour's reading. Both literature and music become significant only after having evolved from the condition of prettiness. Painting is progressing beyond its purely charming period into something deeper and conducive of greater emotion; and the reactionaries, and even those whose medium minds have permitted them to follow it thus far, are beginning to cry: "Halt! Enough!" With a partial understanding of the old masters they have been able to follow the modern art, even in its strange new garb, up to that point where the modern art, through a new medium, has come abreast of the accomplishments of the older art. At this stage of their evolution they say that painting can go further. But painting *has* gone further, and those who deny it merely confess to a complacency with their limited appreciative ability. Unable to react æsthetically to the more abstract and purer forms of painting, they deny the significance of these purer forms. This defect of limitation is regrettable; but no argument can overcome it.

Such a critic is Leo Stein, of whom I have spoken before. Mr. Stein has gone far in modern art, but he has not gone the full way. His *esthétique* is bounded by his inability to react to the subtler and more complex modern paintings; and this insensibility automatically closes up his intellectual vision and restricts his theory, while leaving him in full possession of a logical dialectic. The science of æsthetics, founded on feeling, can proceed, in the individual, only so far as he is capable of being emotionally responsive to works of art. Pure reasoning will not bridge the gap. No amount of logic could make Mr. Stein accept a painting as great unless he could, at the same time,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

feel that it was great. This *feeling* has been denied Mr. Stein in the more advanced modern canvases, and so his æsthetic theory ceases with his emotional limitation. But there are others, myself included, who can record the intensity of art works since Cézanne, and these others therefore *know* that there are higher and stronger æsthetic experiences than those produced merely by ordered recognizable objects.

Persons halted on the hither side of abstract æsthetic emotion are prone to seek in objective nature an explanation for their inability to appreciate art in which the recognizable object is absent. Incapable, because of a sentimental or unrobust nature, to divest themselves of the minor associative and literary emotions, and unable to record a purely æsthetic sensation, they hope to find an explanation for their responsive shortcomings in the many phases of recognizability. At once the problem of æsthetics appears hopelessly fuddled and contradictory. But the truth is that what they mistake for æsthetic complexities are incidents on the road to the higher appreciation, and that, when the intense æsthetic emotion is arrived at, the lesser associative pleasures are crowded out and left far behind. It is natural, however, for a man whose higher æsthetic responsiveness is limited to attribute undue importance to the incidents of art, and to judge that a theory of æsthetics which has superseded them is lacking in adequacy.

The human instinct is to reason from one's own limited viewpoint. And in æsthetics, where the knowledge of experience dictates the logic, one easily falls into this error. In this science emotional reaction leads the mind, for, no matter how intensely one person may react æsthetically to a work of art, that person could not convince another person of its importance until he himself had reacted to it. And that form of painting to which a person reacts most completely will be the basis of his *esthétique:* if that painting is still preoccupied with objective reality he will consequently attribute to reality an æsthetic importance, ignoring the fact that a more comprehensive *esthétique* has disposed of his materials. Thus are some people, with an inadequate emotional equipment, led into the error that an attractive face, for instance, has an *æsthetic* beauty. They make no distinction be-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tween a desirable, sexual or pleasing object, and an æsthetically moving one.

It may easily be the case that they have never experienced an æsthetic emotion, and are therefore unable to differentiate. The titillating associative pleasure they receive from poetry—that is, from the names of flowers, perhaps—they mistake for æsthetic emotion, and argue that the science of æsthetics is incomplete because that associative memory of something pleasing is not considered. But no such ignorant supposition invades the logic of one who has had an intense æsthetic reaction; for that one knows where sentimentality leaves off and æsthetic emotion begins. The highly sensitive man, capable of profound appreciation of art, will at once realize that a perfectly organized picture of an utterly ugly and deformed body has a greater moving beauty than has the sensual attractiveness of what he terms a "beautiful" woman. And a justly painted still-life of onions and cabbages will affect him more emotionally than a vase of roses and orchids. The pure æsthetic emotion is so intense, in those capable of experiencing it, that it transcends and negatives all the petty sensations derived from recognizable objects.

Sometimes, as I imagine in the case of Mr. Stein, a mild æsthetic pleasure has combined with a poetic sensation, and led the spectator to the conclusion that the two are inseparable. Immediately, he is appalled by what he considers a most complex congeries of personal and impersonal reactions. He does not know that the seeming complexity is but an accompaniment of his limited æsthetic emotion—so limited, in fact, that there is room for the inclusion of irrelevant and unessential perceptions. He is caught in the quagmire of his reactionary deficiencies; and, because he has been thus caught and held captive, he cannot believe there is solid ground on the further side of his quagmire. This is a very human error. Nearly every one believes, with sublime and unconscious egoism, that he is able to see all there is to see in a painting, and at once scoffs at those claiming to have found something of which he is not aware. Mr. Stein's emotions before modern paintings, which have not advanced beyond objectivity, are no doubt genuine. They may even be intense, to a certain degree. Obviously, however, they

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are not the highest that art is capable of giving; otherwise, he would not be concerned with such inferior and commonplace emotions as those provoked by the recognition of objects. I would hazard the guess that Mr. Stein knows practically nothing about music. If he understood that highly abstract art he would not be so grossly self-deceived. The *greater* æsthetic significance of art would not then evade him.

I speak here at such length on Mr. Stein's limitations, not because I hope that he will attain to the purer ecstasy, but because his viewpoint—backed as it is by a long life of sedulous dilettantism—may have a discouraging effect on the younger men in this country whose present insecurity is liable to be shaken. The higher path of æsthetic endeavor is a lonely and difficult one; to follow it requires bravery. So uninviting is it in material results that the young are apt to lose their *élan* and become discouraged in the face of what they might consider authoritative opposition. They might even come to doubt the truth of their exalted vision. But let none of them be confused by Mr. Stein's self-confusion. The critic who has not ascended high on the ladder of æsthetics is only too eager to deny the pure emotions that may be had further along, and to throw objective obstacles in the way of attainment he cannot encompass. The æsthetic intensity of painting has increased since Renoir and Cézanne, despite Mr. Stein's *esthétique* to the contrary; and the aspiring creator should not be tempted to accept Mr. Stein's emotional limitations as his own. That pure æsthetic emotion has no relation to associations or recognizability is not a mere unfounded hypothesis or an individual theory. It is a psychological fact, not only demonstrated but proved, by an undeniable mass of scientific evidence. If Mr. Stein were more familiar with the great work of such æstheticians as Groos, Titchener, Fechner, Lipps, Külpe, Ribot, von Ritoók, Münsterburg, Legowski and Hilderbrand, I seriously doubt if he would attempt a co-ordination between æsthetic emotions and those minor emotional experiences which accompany simple associative processes.

But let us return to Cézanne. As a force in art one can never over-praise him. We need not try to endow him with all the glories of the departed; still his place in art is secure. Look, for

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

instance, at his *White Tree Trunks.* Though each tree form is white, it takes its place in emotional space as surely as if it were modelled in clay. Indeed, to the sensitive, these forms of Cézanne and certain of Renoir's forms have a greater tactility than would the actual scene in nature. This tactility, of course, is not the all in all of art; but when we extend the organization of a picture into a third dimension, we add to it a new enjoyment which, to me, seems absolutely necessary to the intellectual vitality of the work. At least it heightens the complex pleasure of the picture until the spectator has the illusion that the strain and stress of opposing forces is taking place all around him, and that he is a part of it and not merely a spectator of something which is being enacted before his eyes. *Trees in a Ravine* and *House and Trees* are two more excellent examples in which we see this theory at work. In the *Landscape* (No. 31) the tonal divisions have all the characteristic beauty of Picasso's best work; and from *The Road* some of our academicians could take lessons in perspective. The completeness of *The Ditch* seems almost incommensurate with the slightness of the actual labor spent on it, and shows how our minds, once in possession of a minimum of salient characteristics, will reconstruct a complete mental picture.

In this slightness of detail we are reminded powerfully of Michelangelo's ability to create, with a very few curved lines, the vision of the moving human form. Cézanne's form in a slighter and somewhat looser way is as positive as the Florentine masters. That the enjoyment of these two geniuses' art is at times purely æsthetic and not dependent on recognition of natural objects is attested to by the fact that several of these Cézannes were bought *upside down,* and that I have known many artists who enjoy Michelangelo's drawings more when reversed. Early in the month I called Mr. Montross's attention to the fact that he had hung Nos. 20 and 24 on their heads, and that No. 13 rested on its left side. Returning later I found that he had taken my suggestion—in part—and that Nos. 13 and 24 were righted. But No. 20 remained as it had been. Therefore, I fear that a good Cézanne will go down to posterity bottom up, for I believe all three pictures were sold.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The *François Zola Dam* is an interesting bit of composition in which the heaviness of objectively treated forms detracts somewhat from the total effect. Personally I prefer *The Two Sisters* at the Knoedler Gallery, which, though somewhat earlier, is of the same calibre. The composition of the Montross *Estaque* is typical of many of Cézanne's oil landscapes, but the painting of the *Estaque* at Knoedler's is more satisfying. The *Oil Mill* would have done great credit to Courbet, just as many of Renoir's early works under the same influence are what Courbet would have liked to paint.

At the Modern Gallery hang two of the latest canvases Cézanne ever did. Both are representative of his final period, and are more powerful than any of this artist's works as yet exposed in America. There are three other frames, two water-colors and a lithograph. Now is the time, above all others, for the Metropolitan Museum to purchase some really good specimens of Cézanne. The *Château Noir* is much the same subject as the picture already hung in that Gallery, but it is a much better painting, done from a closer vantage point; and the still-life is one of the finest of Cézanne's efforts. The water-colors, however, are not of his best. Even some of those at Montross's are better.

To attribute to Cézanne a divinity comparable to Rubens would be extravagant. Possibly in none of his canvases does he approach the profound rhythmic organization of the Flemish master or the latter's supreme ability of self-expression. Cézanne's compositional figures are always simple, many times recalling those of El Greco, but seldom giving us that fugue quality in the repetition of certain linear forms, which characterizes the works of Rubens. Cézanne never went to Italy, and one is inclined to believe he saw the Venetians only through Delacroix. However, we see repeated over and over in his works the same simple, almost primitive, order which is to be found in the dramatic work of Veronese by way of the great "*Romantique*." The reason I lay such stress on Cézanne's importance is that he solved for all time certain problems which have baffled artists since da Vinci stated them and gave them up as impossible. Besides, there is in his work a virility of con-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ception which, though not so charming and complete as Renoir's, spells vast possibilities for the painters of to-day in its frank statement of new problems, its stimulating appeal and its shadowing forth of far-reaching results.

Compared with any other painter Cézanne is more relative to our own day, more necessary to future high achievement, more of an inspiration to the experimenting men who are taking the reins of art in their own hands. That he stands among the greatest figures of painting is undoubted. He was the first to proclaim and utilize color as a functioning element. He deserves respect for his resolved problems and successful experimentations, and he should be accorded the highest admiration for his positive results in the field of applied æsthetics. There are artists who were greater, but there has never been a more important innovator. His works are small but intense focal points of a great intellectual organizer. His actual struggle with new problems kept him from complete mastery over his mobilized medium.

Another representative and important exhibition is the one at the Knoedler Galleries. It will no doubt serve the purpose of revealing to the general public the individuality of the European academician—an individuality which distinguishes him from his fellows and gives him a distinctly original appearance. Besnard is a good example of the case in point. A clever draughtsman, with an ambition to be a colossal mural decorator, he has made some of the most able and deceptively great decorations of modern times. His friezes in the Medical School of Paris and his ceiling in one of the theatres of the Boulevards attest to his immense ability to do his trick brilliantly. In the final artistic test, however, he knows nothing of form, but only the physiological structure of the human body—and nothing of composition, although he has sufficient sensitivity to mass his volumes. The *imprévu* of his subject-matter, and the substitution of his own symbolical figures for those of the Greeks, have won him well-deserved fame in official circles. He handles almost any medium as well as he does oil; and pastel is one of his favorite modes of expression. Compared with other academicians of America, England, France and Germany, he perhaps surpasses

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

all, save Henri. He is far more profound than the inartistic Sargent; and in the Luxembourg Gallery one has an excellent opportunity of comparing these two masters of cleverness. Even in the matter of the dexterous surface (so beloved by the American) Besnard is superior to Sargent in Sargent's own manner.

The pictures of Besnard now on view are not exceptionally striking. Some of them belong to the Oriental "period." There are Indian things which are half impressionistic and half flat—a style of painting many moderns resort to during their early development. *Travellers* is more than clever, as is the *Woman with Black Ribbon;* and there is a certain dramatic power about everything he does. Besnard is a superbly clever painter and one always interesting from an illustrative viewpoint. Some of his Indian dances, religious rites and cavalcades of India are as fascinating as the adventures of the *Mille et Une Nuits;* and his series of etchings, *La Femme,* recall strongly the attraction for the strange and morbid which Poe gives us.

Bonnard is one of the most genuinely artistic of the modern men. Stemming from Renoir and from Cézanne through Matisse, he stands high above his contemporaries in his keen sensitivity to beautifully rich and colorful greys. These he molds into patterns for large decorations, although, on the other hand, he has given us some amazingly charming easel pictures. While Besnard would show off to better effect as a conventional decorator of public buildings, Bonnard is pre-eminently the decorator of the home. There is nothing blatant or shocking about his color or his forms, and his canvases are conceived like tapestries—flat, unobtrusive and richly harmonious. A better artist in every way than Besnard, he naturally stands higher with the more limited and sensitive art lovers than with the official classes that patronize the former. He is an artist who will live long after the buildings in which Besnard has painted his best work have been torn down. His *Landscape* is the motif of a very large decoration I have seen in Paris; and his *Toilette Rose* is genuinely charming and beautiful. While Besnard's ability is admirable, Bonnard makes us feel a deeper and purer æsthetic emotion.

Carrière is another example of the French academician who

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is individually distinctive. With a decided penchant for school drawing, he began to recognize the necessity for atmosphere, and thought that, by obscuring his subjects in a yellowish, sulphuric, coal-dust smoke, he could achieve it. Naturally this method did not obscure his pettiness; in fact, it merely intensified his sentimentality of conception and added vagueness to his articulation. Perhaps his best work is the head of Verlaine hanging in the Luxembourg Gallery. In this he has for once divorced himself from the maternal subjects which had much to do with winning for him his vogue and making him a popular favorite in France. In some of his works there is a suggestion of color, but the murky haze renders impossible, by obfuscation, any precise formal line or tint. His canvases in New York are representative, in a small way, of what he was after.

Cottet is still another academician who differentiates himself from the ruck of school work by the insistence on an exaggerated trait or idiosyncrasy. Such men are consequently more interesting than painters like Chase and the R. A.'s of England. A large part of Cottet's life seems to have been passed in Brittany, where he recorded the processions, ships and people of that rugged northern shore. These he has made vital to us by accentuating the salient characteristics of the subjects. Some of his portraits are excellent studies of character and copied form; and the *chiaroscura* of several of his harbor scenes is competently handled. In Cottet, however, we can look for nothing of more profound import than this ability to illustrate forcefully, and in a somewhat heavy way, what he feels the most. His *Old Woman* is the best of his present examples: it is a first-rate study of wrinkles and indications of age in relation to character.

The Dagnan portraits are excellent in a simpler and more Latin manner: especially is the *Brittany Man* a charmingly well-done and brilliant vignette. I can imagine this painter making extraordinarily fine miniatures, for, small as are his two present works, they seem too extended for his handling. *Les Buveurs* of Daumier surpasses either of this artist's works at the Metropolitan Museum, and is worthy of a place in some gallery in this country as representing a master who in time will be recognized as greater than Courbet. The Degas *Femme sur Lit* is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

representative of all this highly "artistic" illustrator's works, despite the fact that it has a queer color scheme of green throughout. Degas is one of three well-known modern painters who, through sheer extrinsic qualities of surface, brushing and photographic vision, have been vastly over-rated by an untutored public. The other two are Manet and Monet. The Gauguin at Knoedler's might have been done by almost any good Beaux-Arts student, and has none of the quality of the Gauguin we know. It would seem to have been enlisted in this exhibition merely to supply another big modern name; and it should be put away and forgotten. It is a brown, poorly done head of some very, very early period.

Of La Touche there are many canvases and little to say. He is pre-eminently a painter of accessories, and one who appeals to sentimental ladies and to certain types of poets. In the names of his canvases—*Temple of Love, Night Feast, The Fall of Leaves, The Young King, Loge d'Actrice, The Swans, Merry Night,* etc.—one can visualize his aspirations. He is the painter of the faded carnival memory in which is a strain of maudlin regret. Falling leaves, fountains and lovers he stages until his works resemble a *scène de théâtre.* He would surpass in illustrating some of Anatole France's fairy stories.

The pastel of Manet is of little interest, while *La Leçon de Musique* is an excellent example of the artist's methods and effects. Black, heavy and flat, with subtly painted details, the very execution, the very *matière,* makes it as attractive as a Velasquez. But, like all his work, it lives only in two dimensions, and lacks conspicuously all sense of order and grouping of lights and darks into harmoniously shaped forms. Ménard is another of the idealistic decorators with realistic leanings. Some of his works have a rich golden surface which gives them the appearance of great age. (It is said he tries to achieve Titian's surface.) He is more purely classic than La Touche, who is neither realistic nor decorative, but illustratively fantastic. One of Ménard's canvases recalls some of Turner's inspiration on Claude Lorraine. Monet is represented by two works, the *Gelée Blanche à Giverny* making one shiver by its winter atmosphere. Pissarro's *La Côte des Bœufs* is one of the largest and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

best of this artist's work, and succeeds in killing Monet when hung beside him. In this work he recalls the little Caillebotte landscape of red roofs seen through saplings, the whole slightly hazy.

Last month at the Durand-Ruel Galleries we had an opportunity to compare Renoir with Monet, greatly to the latter's disadvantage. This month we have an equally good opportunity of seeing a great artist and a great artisan side by side in two pastels, one by Renoir, the other by Besnard. They deal with the same subject—the head and bust of a woman. On such pastels as this Besnard has acquired an immense reputation in France; and indeed, when one views it alone, it has all the charm requisite to a capable and not at all ordinary portrait. The colors are lively and blond, and the whole has a pleasing effect. But when we see the Renoir beside it, it at once becomes hollow or yellowish. The tones of the flesh, before so rosy and fresh, seem labored and dead; and the colors take on a heavy stickiness of texture. The form is, of course, non-existent; and even the effect, so beloved by those who have not penetrated very deeply into artistic expression, disappears. All the time the Renoir grows on one. The forms are full, and the magistral beauty of the full line leaves little to be desired æsthetically. This present pastel is the best piece of work in that medium I have ever seen. It makes up in large measure for all the deficiencies of the exhibition.

Signac has his usual chromatically brilliant water-scapes, although his scintillating *Marseilles* is less metallic than many of his other pictures. Sisley, as usual, displays a poetic sympathy with nature's moods—an attitude which is ever in the background of the English temperament. Lucien Simon has ten representative works, in both water-color and oil, of which the *Feast in Brittany* is the best. Unhappily there is not to be seen any of his simpler water-color head studies so beloved by the student for their frank breaking up of light and shadow into planes. *The Calvaire* is a study for, or a repetition of, the procession of Luxembourg fame. Simon's work, like Ménard's, is somewhat different from the straight school formula, and for this reason it has a vogue. Vuillard, the artist who has done what Whistler

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

only tried to do, is represented by one work, not particularly good.

In all, however, the Knoedler exhibition is notable and important and one which should bring home to our own academic men the lesson that invention pays and that some deviation from the established rules of teaching will not cut down their incomes. To the contrary, it would tend to make their work more interesting and would possibly create a market for it abroad.

At "291" there is another important exhibition of an entirely different nature. Here we have some water-colors by John Marin, a comparatively new comer in the ranks of the younger men. No matter how harshly we may criticize him for not having finally found himself and, with himself, something vital, he has nevertheless undoubtedly made an excellent start along little-trodden lines. There are some thirty works on view, and in them is a story of a year's evolution which in itself is interesting. The influences, one deduces, are of the Chinese and Cézanne, although there are no symbols common to either of them. Unlike Sterne and Weber, Marin is working out his own salvation and letting other modern men, no matter how great or interesting, completely alone. Some of his pictures are finished, while others are mere strivings toward a more extended and complicated order. Herein lies the difficulty of saying that one is better than another. In one we feel a completeness of conception (as far as Marin had gone) which grips us and satisfies us. But when we turn round we see a more complex picture whose order takes in all that the other possesses, and at the same time goes still farther forward, though lacking that final completion we felt in the first.

Marin's color in his later works is pale and not always complete, but his sensitivity is such that, as he progresses, a desire for a complete chromatic gamut will instinctively be felt by him, and his color will no doubt become strengthened. At present one feels that in the greater part of his works the reins of mastery of his own desires are not tightly drawn, that there are many ends yet to be gathered in. But, withal, there is order which will later become more complete, for Marin is a man sincerely striving to do great things—a serious artist who, in the course of two years,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

will have found himself. His art will then be among the most significant and genuinely personal expression to come out of America. Marin is a man to watch and buy and to encourage. If we had fifty painters as intelligently sensitive and serious, the standard of our native output would indeed be high.

At the Gamut Club many of the serious younger men exposed this month. McFee has two capably ordered still-lives done somewhat in the angular manner of the early Picasso. These pictures seem to me to indicate that their author has a big future. Hartley shows some early work which marks a decided advance on his mountain canvases and still-lives. Here is a man who, though perhaps unconscious of it himself, is going toward an expression of what Kandinsky calls the " inner need," but without the burden of Kandinsky's futile preoccupations with music. Of Halpert's one work there is nothing to say. One wonders how he acquired his reputation as a man of modern tendencies.

Walkowitz exposes five excellent works. Of the strange art of this man I shall have more to say later, for in it is all of Picasso and much that is Michelangelo. Nos. 27, 28 and 29 are all notable examples of his intense vision. Some time ago at " 291 " I was shown a large number of Walkowitz's pictures. They were a revelation to me, both plastically and as to color. In all of them was an acute sensitivity to form and color, such as one rarely finds even in the most advanced modern work.

Maurer's four charming landscapes are like gems. Two show a realistic feeling for color, and we may look for significant things from him. At present Matisse is his chief inspiration. Rohland has a competently painted and ordered landscape which in parts seems Renoiresque. Dasburg's drawing is solid, and his painting shows inherent qualities of formal conception, though the nude drawing still has traces of the academy about it. Marin is here also, but better works of his are at " 291." Dove's personal and rhythmic art is to be seen to advantage. I notice a musical conception of certain sets of forms repeating themselves, varied, throughout the work; and the realization of these conscious developments carries one along the path of pure æsthetic emotion. Simonson's inept paintings constitute the only jarring

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

note in an otherwise stimulating exhibition. I cannot help feeling that this man would profit by confining himself to the painting of conventional screens and the decoration of "new art" interiors.

The Daniel Gallery (which has shown commendable spirit this season in bringing before the public the works of the newer men when it might have been confining itself to commercial co-operation with the eminently salable painters of lesser merit) has an exhibition wherein are co-mingled the old and the new. The good and the bad are hung together in the most democratic fashion; and while the display will give the reactionary critics an opportunity to vent their abuse on the new art, and to laud their old favorites at the expense of the younger men, it is well to have such shows. In time, when a genuine appreciation of art begins to dawn on the reviewers, they will lose their rancor for the new painting and will apply to it a standard of taste as unpartial as that by which they now gauge the old. To me such exhibitions are like herding the healthy and the sick together where the bad influence of the weaker is not contagious. Such pictures as a Fisk, a Henri, a Berlin, even a Prendergast and a Ryder, are convalescent and in some cases wholly sound, while their immediate neighbors are senile and dying.

One of the fetiches of the native critic is J. Alden Weir. At Daniel's he exposes a brown and insensitive portrait in which the painting, conception, construction, color and even effect are without the slightest distinction. One of the great mysteries of American appreciation is how such mediocre academicians as Weir achieve the reputation they do. One is inclined to believe that it rests on something wholly outside the realm of art perception. Lawson has a very good impressionistic canvas, at times metallically inharmonious, at others competently imitative of nature. Childe Hassam shows a snow scene which gives the impression of being painted in one tone of dirty, yellowish white. Berlin exhibits a large still-life which, alongside the middle-class efforts that predominate in the room, is highly refreshing. It is of a modern tendency and, like most still-lives to-day, recalls similar pieces of Cézanne.

Robert Henri exhibits the best work present; and while his

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

picture does not possess the full modern flavor, it has the germ of a qualitative order which makes us react. Let us not forget that Henri is really the first man to encourage students to turn away from the academic ideals in America, and he may therefore well be called the godfather of this country's modern painting. Ryder has done some really beautiful patterns. The present canvas is well conceived and highly dramatic—the "artistic" achievement of a solid painter and a highly sensitive workman.

Very near the Ryder is a flat mediocre decoration by Davies, called *Unicorns*. This picture depicts, in a large and empty sketch of brown and kindred tones of neutralized and lowered colors, the small figure of a woman and some unicorns silhouetted against the sea. The canvas, even as an illustrative novelty, is worthless. Böcklin has infinitely surpassed Davies in imaginative inventions, and the latter's landscape and female figures are at this moment improved upon by the slighter work of Ménard at the Knoedler Gallery. Davies's vogue is a glaring indication of America's tendency to over-estimate the incidentals. Prendergast contributes to the Daniel show a typical tapestry-like scene suitable for decorative purposes; and the Walkowitz panel frieze uses human figures much as one uses flowers in still-life. Their order is repeated in each panel in such a way that a sense of homogeneity is given to the whole.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

KITCHENER'S ARMY

COSMO HAMILTON

COME to Aldershot, for the first time, wearing a thick, ill-cut uniform and cap, loaded with a pack and heavy rifle, to train for a soldier in Kitchener's army and emulate in France the deeds of your brothers in a never-to-be forgotten war. You would be a Boy Scout, with the air puffing against your knees, if you could, carrying nothing but a whistle and a tooth-brush, and enough *esprit de corps* for a dozen. Time has, however, dragged you past all the milestones of youthfulness and placed you among men, and so, heavily laden, and endeavoring to look as Regular as you can, you march from Aldershot station in the twilight of an Autumn day, leave the ugly, jerry-built town behind, and pitch your tent among a sudden town of tents upon the burnt grass of the South Camp, over which is wafted the sweet scent of the pine trees. Kit bags are pitched out of wagons and served out, and then, as orderly, you fall in behind a long line of men of many corps to collect bread for your tent. A little fat captain is in charge, who shouts a good deal and is obviously nervous, being a man, you fancy, most of whose years have been spent on an office stool in the Stock Exchange. You salute, capture bread, salute again, and disappear at a run. Having no bump of geography, you forget the exact position of your tent and stumble along the lines, dodging tent-ropes. A hungry shout pulls you up, and in you go to an already fuggy canvas home. Having shed your loaves, off you go again to the kitchens, and are put through further formalities before you lay hands on a huge tin of boiling stew. Finally, amazingly sharp set and ready to enjoy the sort of wash that would drive you headlong out of a London restaurant, you squat on your haunches and make a meal fit for a Tommy under canvas.

Preparations for the night keep you busy for an hour. You spring to your feet when an officer looks in and asks if everything is all right—a man you usually slap on the back out of uniform. By a stroke of luck you miss sentry-go, get into fatigue kit, and begin to look about. Everywhere there are lights in this

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

city of canvas, and the smell of tobacco, and laughter, and men passing, and all above you a great vault peppered with stars. There is something new and exhilarating about it all. This is soldiering. This is what you have joined for. This is what you never expected to experience during those piping times of peace that seem so far away. You almost wish that the enemy were at the gates and that your rifle would be called upon to sing in a genuine cantata—almost. You have an hour or so, a little more, perhaps, before lights out. You intend to take as many mental snapshots as you can before then, and so with a pipe, a full pouch, and a pal, you wander forth, with skinned eyes and ears for every sound. Tents everywhere. Utter neatness and maidenly primness about them all. You are lying with half a dozen other regiments of Terriers and several regiments of Regulars, mounted and foot. The Regular lines have a curious attraction for you. Somehow there is a touch of fascination about the genuine Tommy under these circumstances which he has never possessed before. You find that he, if able, scatters himself. Mostly he is down in the town, sampling beer or standing thickly in cinematograph theatres, or joining in gorgeously foolish choruses of the pathetic comic songs which are sung by pronounced females in side shows, to the accompaniment of tinny pianos and the beating of pint pots. Or else he is lopping about the streets with his arm round a giggling girl, eyeing grocers' shops, and enjoying the oily aroma of fried fish. He pays no attention to the prowling file of C.P. men, who stand about in the neighborhood of public-houses or swing slowly along on the edge of the kerb.

You do not, however, leave the camp. It is your first night. You have not yet caught the atmosphere. You have not yet forgotten the effects of public school training and civilization. At present you are a mere experimentalist. You would refuse to believe that within twenty-four hours you are bound to be Tommified, to have become as cunning to escape soldiering as the pipe-clay-hardened reservist who has done his foreign service and his monotonous provincial depôt work, that is enough to drive any creature with a temperament into half a dozen criminalities. You would be a little annoyed if some one told you that after

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

your first day's actual work—off at six in the morning for a ding-dong twenty miles' march, during which you take on a stucco of white dust and are just going to stumble like a drunkard into a mechanical heap when a halt is called for bread and cheese and beer at two o'clock; after which you revive and take part in a fight that seems utterly unintelligible and silly until five-thirty, when you eat again and drink more beer, and jog back again singing, with sticky helmet jangling on the butt end of your rifle, and tunic gaping at the throat—you will sham ill and fall in with fifty other humbugs outside the doctor's tent, and lie about your imaginary symptoms so that you may be left behind to smoke in the sun, sprawl on your back among the gorse bushes, and watch the beggars working in the valley below. It is amazing how soon a civilized man can return to the primeval, how easily his well-suppressed instincts come up to the top and surprise him into curious things. And there is nothing more calculated to bring this about than soldiering under canvas.

So you stick to camp. You find yourself arrested time after time to take in a series of Rembrandt effects—three men with bullet heads almost devoid of hair, except for the conventional donkey driver's twist, stoking a kitchen fire, with the red glare upon their faces and in great spots on a hundred tins; a man in vest and trousers, with naked feet, bending over an upturned pail which is gripped by his knees, laboriously writing a letter in the light of a candle lantern; a quartette of men in shirt-sleeves, with a lantern in the midst of them, playing cards with grass for table. And then you leave the lines of ghostly tents, all white in the moonlight, and come out upon a large plateau, across which you see the comparatively glaring lights of a large canvas canteen crowded with men. This attracts you, being a homogeneous person, and thirsty. As you get nearer, it seems to you that something is up. There is a sort of order in the chaos of bodies. You crowd in and peer over shoulders. You are surprised to see that every man in the place has his lips poked forward and is whistling the air of a catchy breakdown, and gazing with rapture at the same spot. You look, too, and there you see upon the trestle table an immense trooper of the 2nd Life Guards, bending low to avoid a collision with the hang-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing lamps, dancing for dear life on toe and heel among the pewter pots, which jig in unison upon the creaking boards. All round the table the men are crowded, tall and short, brown faced and moustached, some with red badges, some with blue, others with grey or black on their khaki. The great wobbly ring is ten deep, and every man is whistling, and the air is punctuated with the incessant rapping of jackboot heels, the uneasy sound of jumping pots, and the groaning of the trestle table. There is something of religious solemnity in the absurd scene, until the agile step dancer grows more and more grimly enthusiastic and sets a quicker pace. The whistling becomes faster. The rapping keeps time. Faster still, and still the rapping is with it. A pot rolls off. The table is resentful and bends dangerously. At last, in a final frenzy of art, the trooper's feet break records. Toe and heel flip and rap with incredible speed. Almost winded, the hundred blowing mouths endeavor to follow the time set, until at last one after another gives up, and then a cheer spreads like a forest fire over the compressed group and breaks out in a great burst as the indefatigable trooper brings his orgy to a finale with two colossal stamps.

You will notice, too, not without sympathy and amusement, the small and rather childish "side" of the gentlemen of the 1st and 2nd Life Guards, whose long legs seem to have been spilt in liquid form into their tight trousers; the perkiness of the Commissariat; the calm precosity of "Artists" and "London Scottish," and the thick, solid "swank" of line regiments. The manner, too, in which Regulars treat Territorials has its funny side. Patronage and tolerance give way before beer and baccy. Professionals and amateurs make cliques—the crack London Territorials being taken under the wing of the Household Brigade, while the Tower Hamlets and others, little, undersized, excellent men from warehouses and docks and post offices pair off with sodjers from back streets in towns and villages. Smoke from hundreds of pipes and cigarettes and an occasional poisonous cigar leaks and oozes out of the great canteen into the still night air. Swaying lamplight throws flickers over the conglomeration of drab coats and trousers. The whole thing makes a living picture that impresses itself on your memory.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Finally the canteen empties, moving figures disappear, the hum of the camp dies away, light after light goes out, and it is upon a silent city of tents that the young moon sheds its silver. Nothing moves except the sentries, who march up and down with shadow before and after, with monotonous iteration. And in your tent there is still another picture to take. Rolled up in blankets, with night caps pulled over ears, lie several snoring men, feet to pole. In the dim light you can see various noses and stacked rifles and neat piles of clothing topped with boots. And away in the pine trees the nightingale sings his operatic solo, just as he would if all these sleeping men were enemies of his country, or friends sleeping before the hideous, necessary bloodshed that finds out the strength or weakness of nations.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"I SHALL NOT ASK TOO MUCH"

DAVID MORTON

I SHALL not ask too much beyond the grave;
Just some dear, common things that living gave—

And time for them—ah, time to stay a while
Where wind blows over grasses, mile on mile;

And time to watch when stars are leaning through
Some still and stirless dusk's deep drifted blue.

And I should like, one summer afternoon,
To climb a hill and wait there for the moon

That I could never wait for, and then go
Unhurried back to certain friends I know.

I shall be glad if seasons come and pass
Bringing the same swift miracles of grass,

Of sun and rain, of berry, bud and bloom,
And snow-filled midnights of wind-shaken gloom.

I shall want little paths and woods and walking,
And those same friends at evening and their talking

Under dull lamps in queer, quaint, smoky places—
(I would not lose those voices and those faces.)

These I shall ask beyond the narrow grave,
And time for them—which living never gave.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

PROXIES IN MORMON POLYGAMY

THEODORE SCHROEDER

THIS essay will portray an interesting bit of esoteric Mormon history and incidentally it will illustrate a very simple and very general psychologic mechanism which is involved in the creation of every theology.

Every impulse which appears to us as one associated with hostile opinion tends to create a mental conflict. That is to say: we become conscious of an urge which impels us now toward one line of conduct and again toward a contrary one. Usually this is a conflict between the desire to insure an immediate pleasure and escape the remote price, or the reverse. From the absence of accurate psychologic insight we incline to ascribe our conflict to forces outside ourselves and to personify these as some objective power, for good or ill, that permeates our being and seeks to control it from without.

Thus we express one or more of our impulses in figurative terms of objective import. The figurative language suggests the phantasy of a corresponding objective reality, with human lineaments and motives and then the phantasmal picture, filled out according to desire, is proclaimed as a transcript of reality. Thus come all mythologies and theologies.

So then when excuses were needed, and consequently man wished to unload his " sins " onto some one outside and beyond himself, he generally phantasied something like the story of Eden, and the fall of man. Unwilling to pay the price of his own sin and redemption, and having accepted the theory of sin by proxy, it was easy and wishfulfilling to accept also, salvation by proxy. This was doubly agreeable because it added the delightful delusion of intimacy or approximate identification with omnipotence.

Having accepted a belief in vicarious vice, through Eve's sampling of forbidden joy, and vicarious salvation through the atonement of Jesus, one can understand that it was an easy matter for Mormons to accept a revival of the practice, in-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dulged by some early Christians, of proxy baptism for the dead.* Thus to become the agent through whom soul-salvation is bestowed upon the deceased, identifies one with God, because to confer salvation gratuitously is a most important divine function.

As far back as when the "Saints" lived in Illinois, George Washington was made a Mormon, through a proxy baptism in which "Judge Adams of Springfield" acted as a proxy for the "father of his country."† To be able to save the great ones of the world who, in virtue of their exalted station, may be ordinarily presumed to scorn the help of the lowly, is, of course, doubly satisfying to the vanity of those capable of such infantile delusions of grandeur. Bestowing eternal salvation upon world-heroes is surely approximate to omnipotence.

Evidently Washington's spirit resented being made a Mormon without having been consulted, and must have repudiated the benefits intended, because later he appeared in Utah and "demanded" a second baptism by proxy. I will quote the exact words of "Prophet, Seer and Revelator" Wilford Woodruff. I trust none will be moved to smile lest they may call down upon their scoffing souls the penalty of blasphemy.

"Every one of those men that signed the Declaration of Independence with General Washington called upon me as an apostle of the Lord Jesus Christ in the temple at St. George [Utah] two consecutive nights and demanded at my hands that I should go forth and attend to the ordinances of the House of God for them. . . . Brother McAllister baptized me for all those men, and then I told those brethren that it was their duty to go into the temple and labor until they had got endowments for all of them. They did it."‡

By like process Napoleon the First and the Empress Josephine have been made Mormons through the kindness of French converts who acted as their proxies.¶ It is a frequent occurrence that the "Saints" in the rural districts will hire one

* See: The Mormon's Own Book, by Taylder, 108-9; Chapter on Baptism for the Dead in "Compendium of the Doctrines of the Gospel"; XIX *Millennial Star*, 459, 7; VII *Journal of Discourses*, 86.

† Rocky Mountain Saints, 481.

‡ Report LXVIII Annual Conference, 89-90.

¶ Exposé of Polygamy in Utah, 70.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of their number to go through the baptismal and endowment ceremony in one of the Utah temples, as a proxy for the dead relatives of all his employers. A list is furnished of the deceased who are thus to be saved by this proxy and the baptisms and anointings are repeated day after day until the entire list has been exhausted.

Where desire is strong we find justification, and so we pass on from one crude analogy to another. This brings me to an interesting phase of Mormon polygamy, now almost forgotten.

If any religious ordinance can be performed or obligation toward God fulfilled by a substitute, why cannot marriages be solemnized by means of a proxy, and such a substitute for the real husband perform his part in the matter of multiplying and replenishing the earth with a righteous seed? Thus probably reasoned the saintly sensualists, who were impelled by desire to seek the justification of a pretentious and plausible piety, for seducing those of their sisters in the faith who had not yet cast off all the prejudice of the "gentile" world. So was evolved the Mormon doctrine of proxy husbands and proxy marriages. The earthly widow of a man to whom she has been married for eternity must not neglect her religious duty to multiply and replenish the earth, nor fail to add to the glory and eternal exaltation of her eternal husband, by not begetting a numerous and righteous seed. Therefore, she provides herself with a husband for time who, as a proxy for the husband of her future celestial state, performs all his duties "yielding her up with all her posterity in the morning of the first resurrection to her legal and lawful husband." *

If there are husbands for time and husbands for eternity no good reason can be given for awaiting the death of one kind of husband before taking the other kind. Thus is justified the marriage of one woman to two husbands at the same time; one a husband for time who is to beget a righteous offspring for the exaltation of the other, the husband for eternity.† All marriages not solemnized by that divine authority, which is possessed

* VI *Journal of Discourses*, 358, Hyde's Mormonism, 89, Temple Lot Case, 346-350-370-379.

† Temple Lot Case, 364.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

only by the Mormon priesthood, are illegal in the sight of God, and therefore to be ignored by Latter Day Saints.* This doctrine was announced as early as 1831. A "Saint" whose wife had not come with him into the Mormon fold, was assured that their marriage had no validity, and the husband was proclaimed free to marry an Indian squaw, it being also said that marriages with squaws were pleasing to the Lord, because it would enable the elders to establish permanent residences upon the Indian reservation and opportunities, otherwise unavailable, for proselyting among the natives.† In Utah marriage with squaws was proclaimed by Brigham Young to be God's way of making the Indians "a white and delightsome people" as Joseph Smith had prophesied.‡

Among the Mormons of prominence, who likewise ignored the marital rights of a gentile spouse, may be mentioned Apostle Parley P. Pratt, who was shot by an irate husband, of a seduced wife,¶ and the case of Brigham Young, who, in Boston, seduced a woman, at the time living with her "gentile" husband.§ I have a certified copy of a decree of divorce in favor of this injured husband, which divorce is granted after a contested litigation, upon the ground of the wife's adultery with Brigham Young. I have also in my possession an autograph letter which in after years the seduced wife wrote to Brigham Young, complaining of his neglect of her after having gotten her into the trouble. From this letter it appears that the adultery was committed at the home of another woman, then a Mormon, who afterwards apostatized and furnished the injured husband with the necessary evidence.

This seduced and unfortunate woman was afterwards known as one of Brigham Young's many polygamous wives, who when neglected by the "Lion of the Lord" demanded to be "sealed" to Jesus of Nazareth. Joseph Smith secretly had at least two

* XVII *Journal of Discourses*, 226-227; V *Millennial Star*, 192; Tell It All, 354-358; Exposé of Polygamy in Utah, 167.

† Howe's, Mormonism Unveiled, 220.

‡ Hyde's, Mormonism, 110.

¶ XIX *Millennial Star*, 431, Hyde on Mormonism, 80.

§ See Hyde on Mormonism, 81.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wives who were living at the time with other husbands, the latter being in ignorance of their wives' deception.*

"It is well known in Utah that two sisters, Mrs. B—— and Mrs. J——, were 'sealed' wives to Joseph while they were still the wives of Mr. S—— and Mr. J——. To the latter a son was born, long after Mrs. J. had been 'sealed' to Joseph, and since these two sisters have been in Salt Lake City, the one has added a son and the other a daughter of Joseph's family register, through the kindness of Brigham Young and Heber C. Kimball, who became 'proxy' husbands to the widows of the deceased Prophet. Strange and anomalous as all this may appear, the sons of Mrs. J. take it in good part and exhibit towards their father no lack of filial regard, while by the teachings of the faith they cling still closer to their mother with the warmest affection, the wife of the Prophet was greater than the wife of the elder.

"There was no domestic trouble between this elder and his wife. They were very affectionately attached to each other, but the Prophet's eye had fallen upon his neighbor's wife, and revelation made the acquisition easy of attainment. It was years after the death of Joseph before the husband knew that his wife was the wife of another. On the banks of the Missouri river, in an Indian country where redress was impossible—had it even been desired—Brigham called upon the husband and told him that his domestic relations in that quarter were at an end; that he must not again be a husband to his wife. She whom he idolized, who had been to him the partner of his joys and cares, who had borne to him his children, and who had filled his soul with the hope of a happy future, was to be accounted his no more. Joseph had concealed the fact of his marital relations with his wife from him, and the wife, faithful to the Prophet, had for years been reticent until silence could no longer be maintained. The Prophet's widow had chosen the Prophet's successor for her proxy husband, and he (Brigham) could maintain no doubtful relationship towards her. The elder was cavalierly informed that he could take another wife, and soon after

* Exposé of Polygamy in Utah, 178; Mormon Portraits.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

he was sent on a preaching mission to England, where he could assuage his grief by a second experience of connubial bliss.

"There is a temptation to add more, but where people have honestly accepted a principle of faith, as the Mormons have polygamy, and paid for it as dearly as they have, there would be no justification for adding to personal misery by the public relation of that which the parties affected would feel hurt to read. The curiosity of the reader is, however, entitled to be gratified by the statement that the sadly wronged husband is still a Mormon, being kindly provided for by the excellent husband of her daughter—the offspring of Brigham in this world, but, according to the Mormon faith, the child of Joseph in the world to come. What a page of life." *

A Mormon woman having a gentile husband, under man-made laws, must have another to whom, by reason of his good standing in the Mormon church, she can be "sealed" for eternity, or she must forego heaven's highest exaltation. Being sealed to such a man for eternity, in expectation of having him as a partner in heavenly sex functioning, it cannot be very wrong in the eyes of God, should that sex functioning commence on this earth. Certainly no right of the gentile husband is violated because the marriage to him has no validity in the sight of God.† Of course, then the gentile husband may be kept in ignorance of all this, because it is better that one gentile be deceived than that the whole church be held up to scorn. It was probably by such fairly good reasoning from utterly bad premises, that came the doctrines of progressive marriage, and the raising of families by proxy.

According to this gospel of sensual salvation, wives are the glory of man and children the glory of woman.‡ It would be manifestly unjust that an "Elder," serving on a foreign mission of two or more years, should be punished by a loss of heavenly exaltation through the unfruitfulness of his half dozen wives who remain at home. Again, Holy Writ nowhere records that

* Rocky Mountain Saints, 186-187; See also *Times and Seasons;* Utah and the Mormons, 119; II *Journal of Discourses,* 13-14.

† *Journal of Discourses,* 207.

‡ Exposé of Polygamy in Utah, 167; XX *Journal of Discourses,* 28.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

woman's duty to "multiply and replenish" is suspended during her husband's absence on a religious mission. That the husband's increasing glory may not be stopped in its growth and the wife may not be precluded from doing her duty, the Lord may, of course, kindly provide a proxy husband who will officiate in the religious ceremony of begetting offspring during his "brother's" absence.* This is why it was considered a fortunate circumstance for children to be born to an absent brother and such occurrences were frequent in the sixties.†

Speaking of an earlier period Elder Hyde gives several names of persons to whom came such good fortune.‡ Of course, this could not occur through a non-Mormon, as a proxy husband, because only the pure in heart can be relied upon to beget a righteous seed, and furthermore, to live in such relation without a Mormon priestly permit, is plain adultery,¶ punishable by death.§ Since no gentile could get an ecclesiastical permit, to be a proxy for the begetting of righteous offspring, none need apply. Since permission must be had from ecclesiastical superiors, it is always in their power, within their respective districts, to determine for those under their charge whether they themselves, or another should be that proxy. Thus might easily have come the doctrine of progressive marriage by which any woman might at any time, either with or without her husband's consent or knowledge, become the wife of her husband's ecclesiastical superior.

That such a doctrine was secretly and quite extensively taught, I have been assured by an ex-Mormon worthy of every confidence, and who was so associated with the "royal families" of Mormonism as to be in a situation to know whereof he spake.

The charge that it is the right of a Mormon woman, under some conditions, to acquire a husband, higher up in the ranks of the priesthood, as they did do in the examples already given, finds some corroboration in the oft asserted rights and powers

* Hyde on Mormonism, 87 to 89.

† Hyde on Mormonism, 87; Life in Utah, 150; Polygamous Mormons, 248.

‡ Hyde on Mormonism, 76-84.

¶ Why We Practice Plural Marriage, V *Millennial Star*, 192; I *Journal of Discourses*, 64-207.

§ I *Journal of Discourses*, 61; Lev. 20.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the authorities over the marriage relations of their followers. An example is found in sermons commanding the obedience of wives to their husbands, because: "It is not her prerogative to correct the evil, she must bear that; and the woman that bears wrong patiently will be crowned with a man far above her husband; and the man that is not worthy, and who does not prove himself worthy before God, his wife or wives will be taken from him and given to another, so the woman need not worry." *

The fundamental idea in this scheme of progressive marriage is implied in the following, also from Brigham Young. "It takes a higher power than a bill of divorce to take a woman from a man who is a good man, and honors his priesthood—*it must be a man who possesses a higher power* in the priesthood, or else the woman is bound to her husband and will be forever and ever."†

As early as 1838 the Saints found it necessary to deny something which seemed very much like an application of this doctrine.‡ Bennett, in 1842, and others afterward charged that Smith had attempted to seduce the wives of his apostles and wives of other prominent men of the church.

Of course, this charge came from those who had resisted his efforts. Those who were suspected to have submitted, and some who were ignorant of the whole matter, joined the "Prophet" in denials and denunciation, of those who exposed his sensual designs. In 1884 the whole matter was practically confessed by Apostle Jedediah M. Grant when he said: "Did the Prophet Joseph want every man's wife that he asked for? He did not, but in that thing was the grand thread of the priesthood developed. The grand object in view was to try the people of God to see what was in them."¶ Whether he wanted them or not he succeeded in getting some even from among the wives of his apostles.§ Thus is confirmed what was charged, viz.: That when the attempted seduction succeeded it was sensual joy for the love of God. If it failed it was to try the faith of the sisters

* XVII *Journal of Discourses,* 160, by Brigham Young.
† XVII *Journal of Discourses,* 119.
‡ XVI *Millennial Star,* 627.
¶ II *Journal of Discourses,* 14.
§ Rocky Mountain Saints, 187.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for the good of their souls and of the church. The same apostle says that "man must value his wife no more than anything else he has got committed to him and be ready to give her up at any time the Lord calls him."* The faithful must keep themselves ever ready to sacrifice their all, even their wives and children, for the good of the Kingdom of God,† thus demonstrating that they love the head of the church more than any woman.‡ That is why Apostle Parley P. Pratt was entirely justified in trading off one of his superfluous wives to a Ute Indian in exchange for some horses.¶ This also justified "President" Heber C. Kimball in calling his wives his "little heifers"§ or "cows."

In order that there may be no mistake about the duty of Mormons to hold their wives subject to the wish of ecclesiastical superiors, let me quote a few more sermons from authorized sources. Apostle Orson Pratt is thus reported: "The Lord has told me, that it is required of every man to lay all things, not one tenth alone, but to lay all things before the bishop of his church. Consecrate the whole of it, everything he has. . . . (Voice on the Stand) 'Wives and children?' Yes, give wives and children of course: the wives have given themselves to their husbands, and he has to consecrate them; they are the Lord's, He has only lent them to us."‖ Since the wives all belong to God and Brigham Young was his agent, hence for practical purposes they all belonged to "Brother Brigham."**

If the will of the head of the church is not of more consequence to you than your wife, you cannot be much of a Mormon.†† This is often brutally emphasized. Here is an example. "What, sustain a woman, a wife, in preference to sustaining the Prophet Joseph or Brother Brigham and his brethren! Your religion is vain when you take that course. Well, my wife may say, 'If you will sustain Brigham in preference to me, I will

* Hyde's Mormonism, 53.

† VII *Deseret News*, 82; III *Journal of Discourses*, 67.

‡ IV *Journal of Discourses*, 477.

¶ *Putnam's Monthly Magazine*, Nov., '55.

§ City of the Saints, 263; Hyde's Mormonism, 53-57; Life in Utah, 362-365.

‖ II *Journal of Discourses*, 98.

** I *Journal of Discourses*, 296; Rocky Mountain Saints, 294.

†† I *Journal of Discourses*, 295; IV *Journal of Discourses*, 477; III *Journal of Discourses*, 67; VII *Deseret News*, 82.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

leave you.' I should reply, 'Leave and be damned,' and that very quickly. That is a part of my religion. 'Leave quickly, you poor snoop.' "*

"When we entered into the Kingdom of God we covenanted to obey His counsel and knew we should have to receive it through His servants. What, render obedience to that which I know to be wrong? Yes, or else why did you come into the Kingdom of God, or throw yourself voluntarily under the superintendent of its head."† Thus spake President Heber C. Kimball, and thereby he concurs with Apostle Jedediah Grant who thus lays down the gospel. "If God through his prophet wants to give my women to any *more worthy man than I am,* then they are on the altar of a sacrifice, he can have them and do what he pleases with them."‡

Another sermon again from an authorized church publication, clinches beyond all doubt the right of the church chiefs to demand for themselves any wife of his ecclesiastical inferiors. "What would a man of God say who felt a right when Joseph asked him for his money? He would say: 'Yes, wish I had more to help to build up the Kingdom of God.' Or if he came and said, 'I want your wife!' 'Oh yes,' he would say, 'here she is, there are plenty more.' "¶

That which we desire very much we can always justify to our own satisfaction.§ Furthermore, our justification will always seem adequate to all those who are similarly inclined. If our desire is sufficiently intense and is accompanied by an ecstatic joy, it has always seemed fairly easy, for vast numbers of people, to ascribe their impulses to divine sources, and to interpret the accompanying ecstasy as evidence of personal sanctification and superhuman guidance.

* VII *Deseret News,* 156.

† VI *Journal of Discourses,* 126.

‡ Hyde on Mormonism, 53.

¶ II *Journal of Discourses,* 14. See also page 13.

§ For further illustration of this, see: The Sex-determinant in Mormon Theology, *Alienist and Neurologist,* May, 1908, v. xxix, pp. 208-222; Der Sexuelle Anteil an der Theologie der Mormonen, *Imago,* April, 1914, v. iii, pp. 197-204; Incest in Mormonism, *Amer. Journal of Urology,* October, 1915, v. xi, pp. 409-416; Religion and Sensualism as connected by Clergymen, *Amer. Jour. of Religious Psychology,* May, 1908, v. iii, pp. 16-28.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Thus travelled our Mormon brethren, and we may rejoice that their infantilisms are slowly being outgrown. The mode of reasoning above exemplied is typical of immature minds. Persons having more grown-up intellects, will submit their impulses to the check and justification of the cold logic process applied to the materials of human experience. It is infantile to read ones desires into the Divine Mind.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

HERBERT SPENCER'S "THE SINS OF LEGISLATORS"

WITH COMMENTS BY

HARLAN F. STONE

[*As explained in Mr. Truxtun Beale's article on "The State v. the Man in America," in the August number of* THE FORUM, *several of Herbert Spencer's essays dealing with excessive governmental activity are being reprinted, with comments by eminent living Americans. Among future contributors will be Charles W. Eliot and William Howard Taft.*—EDITOR.]

THAT Spencer's extraordinary aptitude for generalization sometimes led him to extravagant conclusions, even his most loyal supporters would admit. His essay, *The Sins of Our Legislators*, first published in 1850, and revised and republished by him in 1892, contains some incidental matter which is fairly open to this criticism; but now after a lapse of more than fifty years, a study of current legislation and legislative methods in this country tends to confirm the essential soundness of Spencer's statement of the principles which should control legislation. On re-reading it one must confess to a realization of our failure in the performance of this important governmental function in that the period since Spencer wrote, characterized more than any other by the systematic study of social and political science and law, should have proved so little productive of real improvement in legislative methods. Now, as then, it may be justly asserted that no function of government is on the whole carried on with as little study of its essential problems, with as slight regard for proper methods or for consequences, as is that of legislation. The multiplication of various organizations engaged in the study of so-called social legislation, and the creation of legislative reference bureaus and other special agencies for the study of legislative methods, indicate a dawning popular consciousness of the sins of our legislatures.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

But when one considers the vast amount of legislation annually poured out upon the devoted heads of our people, often enacted in ignorance or disregard of the first principles which must control the regulation of social organization, and frequently so bad in form as to defeat its purpose or require the interpretation of a generation of courts to make it effective, one is impressed with the fact that the sins of our legislators are still outstripping all our efforts for reform.

In 1850, the year when this essay was published, the population of Great Britain was approximately 27,000,000. In that year Parliament enacted more laws than in either of the years which preceded or followed it. Its record of public laws adopted was 116 chapters, filling 831 printed pages. In 1915 the public laws enacted by the legislature of New York, for a population of approximately ten million people, numbered 729 chapters, filling 2,691 printed pages. This enormous amount of statute law is not exceptional, but typical of legislation in most of our states, despite the fact that under our constitutional system the power of a state to legislate is limited to its internal problems, whereas the kingdom of Great Britain is a great sovereign power, requiring legislation affecting both its internal and external relations.

According to Senator Root, Congress and the legislatures of the several states passed more than 62,000 laws during the four years ending December 1st, 1913. England, for reasons which will presently be referred to, has not in recent years been as prolific of legislation as has our own state, or indeed, most of the states of the Union.

For example, during the four legislative sessions of the State of New York ending with 1914, that body passed 3,583 laws, filling 11,110 printed pages. During substantially the same period, embodying a little more than the reign of the present king of England, Parliament passed only 250 public laws, aggregating 1,682 printed pages. In 1914 the record of Parliament was 91 public laws, aggregating 483 pages; during the same year the legislature of New York passed 582 laws, filling 2,388 printed pages. There are, of course, some differences in the legislative systems in the two countries which make exact com-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

parison difficult; but it is substantially true that the volume of legislation in New York is from three to four times as great as that of Great Britain, although the population directly affected by English legislation is approximately four times as great as that of the State of New York.

That the great increase in the mass of legislation in this country has been accompanied by any corresponding improvement in the quality is unfortunately not the case. In fact, to the overwhelming quantity of legislation are due many of the existing evils of our legal system. It loads down the machinery of law administration to the breaking point, although it steadily multiplies that machinery. It burdens the courts with a never-ending succession of laws regulating and changing their organization, jurisdiction, and procedure. Of even more serious import is the perpetual adding of new and the changing of old laws upon every conceivable subject, until the whole mass is beyond the power of the human mind to grasp or comprehend, or the power of the government to enforce. It is not surprising that under such a system there is a growing lack of that respect for law which must lie at the foundation of any adequate and efficient legal system.

Spencer points out to us the essential principles which should control the substance of legislation and those phases of social organization which merit special study by the legislator. Legislation is regulative; never creative. Not every ill that the flesh is heir to can be cured by legislative fiat. The complete interdependence of the social organization requires that the regulative power of legislation be used with caution and only after careful study of the phenomena of social causation, and this in turn must lead to the study of all social phenomena as biological developments having their origin and their analogies in the individual human life. Their nature and development will be revealed in the comparative study of different societies. Their application to the problems of legislation will be ascertained by the comparative study of legislation. The legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. This, in short, is Spencer's philosophy of legislation, and so far as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it relates to the substance of legislation as distinguished from its form, changing conditions still find it complete, requiring no modification or restatement.

But when Spencer applies the theory of natural selection to the problem of what in our day is called "social legislation," he trenches on what has now become debatable ground. He retained until the last his belief that the process of natural selection through the survival of the fittest is the true principle of all social progress, and he distrusted all paternalistic legislation which interfered with the natural operation of that law. To his mind society could not "without immediate or remote disaster interfere with the play of those opposed principles under which every species has reached such fitness for its mode of life as it possesses, and under which it maintains that fitness." It is just here that he sounds an anticipatory note of warning of the dangers of the modern programme of paternalistic legislation. He remained to the last a stalwart defender of individualism, and he maintained that the true limit of governmental aggression in legislation should be the equal freedom of all; that the promotion of the interests of inefficient social units at the expense of the efficient was false in principle and must ultimately result in the deterioration of the social organization as a whole. But we do not understand that Spencer would deny to the social organization the exercise of a policy of self-protection from the evils, physical and moral, which are consequent upon poverty and certain phases of modern industrial life. The promotion of social efficiency through natural selection, when applied to modern social life, is not inconsistent in principle with the exercise of social prophylaxis through legislation. The fact is that under modern social conditions benefits are not always conferred upon either individuals or groups in accordance with merits, and the unfit do survive in fact and perpetuate their species to become sources of weakness to the social structure. To prevent such consequences, without, however, proceeding to the extent of conscious effort to promote the interests of the unfit at the expense of the fit, would seem to be the proper limit of so-called social legislation. But whatever the true solution of this problem, Spencer's vigorous warning furnishes food

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for thought and will perhaps inspire with caution the zealous advocates of such sweeping legislative changes as are involved in the many proposals for the various types of pension law, and minimum wage statutes, and modern legislation of similar character.

In advocating the comparative study of legislation, Spencer hints at the remedy for one of the sins of our legislators which he did not particularly emphasize, the evil effect of which is, nevertheless, increasingly apparent, and that is the disregard of form in legislative drafting.

However wisely conceived in principle, legislation must be properly expressed, or it will fail of its purpose. The drawing of a legislative act requires exceptional training, experience, and skill. One who sought to alter and repair a delicate and complicated mechanism without the aid of a skilled mechanic or engineer would be morally and legally chargeable with all the evil consequences of his recklessness, and yet this is precisely the kind of recklessness and disregard of consequences habitually exhibited by our legislators. Practically speaking, no legislation can be enacted which does not have its effect, and oftentimes a serious effect, upon the existing law, written or unwritten, or both. He who thus undertakes to interfere with our complex legal system should not only know the exact legal situation to be affected by the proposed legislation, both historically and as a matter of existing law, but he must know how the desired change can be accomplished by correct legal methods without the enactment of provisions which conflict with or do not harmonize with existing law intended to be preserved.

This task of the legislator, on the technical side, is one requiring wide legal knowledge and special training and experience, and above all, deliberation and painstaking effort. A large proportion of our legislation, however, is, in fact, crudely drawn. Its language is vague, inaccurate, and often filled with inconsistencies. Words and phrases of uncertain meaning are often preferred to those which have received judicial interpretation, or acquired from accepted usage a definite legal meaning. The history, interpretation and practical operation of existing law are too often disregarded altogether, with the consequence that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the courts and the lawyers are left to struggle as best they may with a great mass of ill-considered, poorly constructed legislation, with the ultimate loss and injury to the public which Spencer so vividly portrays.

This inattention to the form of legislation is due, in this country, in part at least, to certain fundamental defects in our legislative system which make it practically impossible to exercise any intelligent control over either the form or substance of legislation. Any member of the legislative body may introduce bills, and members usually introduce them on request. The result is that an enormous number of bills are usually introduced and referred to committees at the opening of the legislative session, and in most states this piling up of proposed legislation continues until the close or near the close of the session. In the session of the California legislature for 1913, for example, 3,992 bills were introduced, and in the last session of the New York legislature, which adjourned early in order to make way for the Constitutional Convention, 3,356 bills were introduced. It is obvious that such vast amounts of legislative material proceeding from such diverse sources without being submitted to any systematic scrutiny as to form or substance, must be far from scientific, and not even intelligently adapted to its purpose. It is beyond the physical powers of legislative committees, if it be assumed that they possess adequate training and experience, to do the work of considering and revising properly this mass of proposed legislation. If the purpose of the bills seems good, they are reported out of committee, and the closing days of the legislative session are given over to the wholesale passing of bills which have never been the subject of systematic study by any legislative agency.

The comparatively small quantity and excellent quality of English legislation is explained in part by the fact that under the English parliamentary system no member of Parliament can introduce a bill as a matter of right, but only on leave of the legislative body. As a practical matter all bills of public character are introduced by the ministry in power, which thus exercises direct control over all proposed legislation. This system resulted in 1869 in the establishment on a permanent basis of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the office of Parliamentary Counsel. This office with the aid of an assistant and a trained legislative drafting staff does the work of drafting and revising all bills for public laws which are introduced into Parliament. There is thus, under the English system, authoritative control of the amount of legislation, and by subjecting all legislation to the scrutiny of an expert drafting commission many of the evils of our system are avoided.

The rules lately adopted by some of our legislatures requiring all bills to be introduced early in the session, the establishment of legislative reference bureaus in connection with the Library of Congress and in several of the state capitols, are steps in the direction of improved methods, although they do not aim at the authoritative control of legislation which goes to the root of the matter under the English system. These, and many other evidences of the growth of an intelligent and critical interest in the problems of legislation and legislative methods, give to the republication of Spencer's essay an especial interest at this time, and they afford some basis for the hope that its truths, which made such a slight impression upon his own generation, may be accepted and acted on in our own.

THE SINS OF LEGISLATORS

Be it or be it not true that Man is shapen in iniquity and conceived in sin, it is unquestionably true that Government is begotten of aggression and by aggression. In small undeveloped societies where for ages complete peace has continued, there exists nothing like what we call Government: no coercive agency, but mere honorary headship, if any headship at all. In these exceptional communities, unaggressive and from special causes unaggressed upon, there is so little deviation from the virtues of truthfulness, honesty, justice, and generosity, that nothing beyond an occasional expression of public opinion by informally-assembled elders is needful. Conversely, we find proofs that, at first recognized but temporarily during leadership in war, the authority of a chief is permanently established by continuity of war; and grows strong where successful war ends in subjection of neighboring tribes. And thence onwards, examples furnished by all races put beyond doubt the truth, that the coercive power of the chief, developing into king, and king of kings (a frequent title in the ancient East), becomes great in proportion as conquest becomes habitual and the union of subdued nations extensive. Comparisons disclose a

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

further truth which should be ever present to us—the truth that the aggressiveness of the ruling power inside a society increases with its aggressiveness outside the society. As, to make an efficient army, the soldiers must be subordinate to their commander; so, to make an efficient fighting community, must the citizens be subordinate to their government. They must furnish recruits to the extent demanded, and yield up whatever property is required.

An obvious implication is that political ethics, originally identical with the ethics of war, must long remain akin to them; and can diverge from them only as warlike activities and preparations become less. Current evidence shows this. At present on the Continent, the citizen is free only when his services as a soldier are not demanded; and during the rest of his life he is largely enslaved in supporting the military organization. Even among ourselves a serious war would, by the necessitated conscription, suspend the liberties of large numbers and trench on the liberties of the rest, by taking from them through taxes whatever supplies were needed—that is, forcing them to labor so many days more for the State. Inevitably the established code of conduct in the dealings of Governments with citizens, must be allied to their code of conduct in their dealings with one another.

I am not, under the title of this article, about to treat of the trespasses and the revenges for trespasses, accounts of which mainly constitute history; nor to trace the internal inequities which have ever accompanied the external inequities. I do not propose here to catalogue the crimes of irresponsible legislators; beginning with that of King Khufu, the stones of whose vast tomb were laid in the bloody sweat of a hundred thousand slaves toiling through long years under the lash; going on to those committed by conquerors, Egyptian, Assyrian, Persian, Macedonian, Roman, and the rest; and ending with those of Napoleon, whose ambition to set his foot on the neck of the civilized world, cost not less than two million lives. Nor do I propose here to enumerate those sins of responsible legislators seen in the long list of laws made in the interests of dominant classes—a list coming down in our own country to those under which there were long maintained slavery and the slave-trade, torturing nearly 40,000 negroes annually by close packing during a tropical voyage, and killing a large percentage of them, and ending with the corn-laws, by which, says Sir Erskine May, "to ensure high rents, it had been decreed that multitudes should hunger."

Not, indeed, that a presentation of the conspicuous misdeeds of legislators, responsible and irresponsible, would be useless. It would have several uses—one of them relevant to the truth above pointed out. Such a presentation would make clear how that identity of political ethics with military ethics which necessarily exists during primitive times, when the army is simply the mobilized society and the society is the quiescent

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

army, continues through long stages, and even now affects in great degrees our law-proceedings and our daily lives. Having, for instance, shown that in numerous savage tribes the judicial function of the chief does not exist, or is nominal, and that very generally during early stages of European civilization, each man had to defend himself and rectify his private wrongs as best he might—having shown that in mediæval times the right of private war among members of the military order was brought to an end, not because the head ruler thought it his duty to arbitrate, but because private wars interfered with the efficiency of his army in public wars—having shown that the administration of justice displayed through subsequent ages a large amount of its primitive nature, in trial by battle carried on before the king or his deputy as umpire, and which, among ourselves, continued nominally to be an alternative form of trial down to 1819; it might then be pointed out that even now there survives trial by battle under another form: counsel being the champions and purses the weapons. In civil cases, the ruling agency cares scarcely more than of old about rectifying the wrongs of the injured; but, practically, its deputy does little less than enforce the rules of the fight: the result being less a question of equity than a question of pecuniary ability and forensic skill. Nay, so little concern for the administration of justice is shown by the ruling agency, that when, by legal conflict carried on in the presence of its deputy, the combatants have been pecuniarily bled even to the extent of producing prostration, and when, an appeal being made by one of them, the decision is reversed, the beaten combatant is made to pay for the blunders of the deputy, or of a preceding deputy; and not unfrequently the wronged man, who sought protection or restitution, is taken out of court pecuniarily dead.

Adequately done, such a portrayal of governmental misdeeds of commission and omission, proving that the partially-surviving code of ethics arising in, and proper to, a state of war, still vitiates governmental action, might greatly moderate the hopes of those who are anxious to extend governmental control. After observing that along with the still-manifest traits of that primitive political structure which chronic militancy produces, there goes a still-manifest survival of its primitive principles; the reformer and the philanthropist might be less sanguine in their anticipations of good from its all-pervading agency, and might be more inclined to trust agencies of a non-governmental kind.

But leaving out the greater part of the large topic comprehended under the title of this article, I propose here to deal only with a comparatively small remaining part—those sins of legislators which are not generated by their personal ambitions or class interests, but result from lack of the study by which they are morally bound to prepare themselves.

A druggist's assistant who, after listening to the description of pains which he mistakes for those of colic, but which are really caused by

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

inflammation of the cæcum, prescribes a sharp purgative and kills the patient, is found guilty of manslaughter. He is not allowed to excuse himself on the ground that he did not intend harm but hoped for good. The plea that he simply made a mistake in his diagnosis is not entertained. He is told that he had no right to risk disastrous consequences by meddling in a matter concerning which his knowledge was so inadequate. The fact that he was ignorant how great was his ignorance is not accepted in bar of judgment. It is tacitly assumed that the experience common to all should have taught him that even the skilled, and much more the unskilled, make mistakes in the identification of disorders and in the appropriate treatment; and that having disregarded the warning derivable from common experience, he was answerable for the consequences.

We measure the responsibilities of legislators for mischiefs they may do, in a much more lenient fashion. In most cases, so far from thinking of them as deserving punishment for causing disasters by laws ignorantly enacted, we scarcely think of them as deserving reprobation. It is held that common experience should have taught the druggist's assistant, untrained as he is, not to interfere; but it is not held that common experience should have taught the legislator not to interfere till he has trained himself. Though multitudinous facts are before him in the recorded legislation of our own country and of other countries, which should impress on him the immense evils caused by wrong treatment, he is not condemned for disregarding these warnings against rash meddling. Contrariwise, it is thought meritorious in him when—perhaps lately from college, perhaps fresh from keeping a pack of hounds which made him popular in his county, perhaps emerging from a provincial town where he acquired a fortune, perhaps rising from the bar at which he has gained a name as an advocate —he enters Parliament; and forthwith, in quite a light-hearted way, begins to aid or hinder this or that means of operating on the body politic. In this case there is no occasion even to make for him the excuse that he does not know how little he knows; for the public at large agrees with him in thinking it needless that he should know anything more than what the debates on the proposed measures tell him.

And yet the mischiefs wrought by uninstructed law-making, enormous in their amount as compared with those caused by uninstructed medical treatment, are conspicuous to all who do but glance over its history. The reader must pardon me while I recall a few familiar instances. Century after century, statesmen went on enacting usury laws which made worse the condition of the debtor—raising the rate of interest "from five to six when intending to reduce it to four," as under Louis XV.; and indirectly producing undreamt of evils of many kinds, such as preventing the reproductive use of spare capital, and "burdening the small proprietors with a multitude of perpetual services." So too, the endeavors which in England continued through five hundred years to stop forestalling, and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which in France, as Arthur Young witnessed, prevented any one from buying "more than two bushels of wheat at market," went on generation after generation increasing the miseries and mortality due to dearth; for, as everybody now knows, the wholesale dealer, who was in the statute "De Pistoribus" vituperated as "an open oppressor of poor people," is simply one whose function it is to equalize the supply of a commodity by checking unduly rapid consumption. Of kindred nature was the measure which, in 1315, to diminish the pressure of famine, prescribed the prices of foods, but which was hastily repealed after it had caused entire disappearance of various foods from the markets; and also such measures, more continuously operating, as those which settled by magisterial order "the reasonable gains" of victuallers. Of like spirit and followed by allied mischiefs have been the many endeavors to fix wages, which began with the Statute of Laborers under Edward III., and ceased only sixty years ago; when, having long galvanized in Spitalfields a decaying industry, and fostered there a miserable population, Lords and Commons finally gave up fixing silk-weavers' earnings by the decisions of magistrates.

Here I imagine an impatient interruption. "We know all that; the story is stale. The mischiefs of interfering with trade have been dinned in our ears till we are weary; and no one needs to be taught the lesson afresh." My first reply is that by the great majority the lesson was never properly learnt at all, and that many of those who did learn it have forgotten it. For just the same pleas which of old were put in for these dictations, are again put in. In the statute 35 of Edward III., which aimed to keep down the price of herrings (but was soon repealed because it raised the price), it was complained that people "coming to the fair . . . do bargain for herring, and every of them, by malice and envy, increase upon other, and, if one proffer forty shilling, another will proffer ten shillings more, and the third sixty shillings, and so every one surmounted other in the bargain." And how "the higgling of the market," here condemned and ascribed "to malice and envy," is being again condemned. The evils of competition have all along been the stock cry of the Socialists; and the council of the Democratic Federation denounces the carrying on of exchange under "the control of individual and greed profit." My second reply is that interferences with the law of supply and demand, which a generation ago were admitted to be habitually mischievous, are now being daily made by Acts of Parliament in new fields; and that, as I shall presently show, they are in these new fields increasing the evils to be cured and producing fresh ones, as of old they did in fields no longer intruded upon.

Returning from this parenthesis, I go on to explain that the above Acts are named to remind the reader that uninstructed legislators have in past times continually increased human suffering in their endeavors to mitigate it; and I have now to add that if these evils, shown to be

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

legislatively intensified or produced, be multiplied by ten or more, a conception will be formed of the aggregate evils caused by law-making unguided by social science. In a paper read to the Statistical Society in May, 1873, Mr. Janson, vice-president of the Law Society, stated that from the Statute of Merton (20 Henry III.) to the end of 1872, there had been passed 18,110 public Acts; of which he estimated that four-fifths had been wholly or partially repealed. He also stated that the number of public Acts repealed wholly or in part, or amended, during the three years 1870-71-72 had been 3,532, of which 2,759 had been totally repealed. To see whether this state of repeal has continued, I have referred to the annually-issued volumes of "The Public General Statutes" for the last three sessions. Saying nothing of the numerous amended Acts, the result is that in the last three sessions there have been totally repealed, separately or in groups, 650 Acts, *belonging to the present reign,* besides many of preceding reigns. This, of course, is greatly above the average rate; for there has of late been an active purgation of the statute-book. But making every allowance, we must infer that within our own times, repeals have mounted some distance into the thousands. Doubtless a number of them have been of laws that were obsolete; others have been demanded by changes of circumstances (though seeing how many of them are of quite recent Acts, this has not been a large cause); others simply because they were inoperative; and others have been consequent on the consolidations of numerous Acts into single Acts. But unquestionably in multitudinous cases, repeals came because the Acts had proved injurious. We talk glibly of such changes—we think of cancelled legislation with indifference. We forget that before laws are abolished they have generally been inflicting evils more or less serious; some for a few years, some for tens of years, some for centuries. Change your vague idea of a bad law into a definite idea of it as an agency operating on people's lives, and you see that it means so much of pain, so much of illness, so much of mortality. A vicious form of legal procedure, for example, either enacted or tolerated, entails on suitors, costs, or delays, or defeats. What do these imply? Loss of money, often ill-spared; great and prolonged anxiety; frequently consequent bad health; unhappiness of family and dependents; children stinted in food and clothing—all of them miseries which bring after them multiplied remoter miseries. Add to which the far more numerous cases of those who, lacking the means or the courage to enter on law-suits, and therefore submitting to frauds, are impoverished; and have similarly to bear the pains of body and mind which ensue. Even to say that a law has been simply a hindrance, is to say that it has caused needless loss of time, extra trouble, and additional worry; and among over-burdened people extra trouble and worry imply, here and there, physical and mental prostrations, with their entailed direct and indirect sufferings. Seeing, then, that bad legislation means injury to men's

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lives, judge what must be the total amount of mental distress, physical pain, and raised mortality, which these thousands of repealed Acts of Parliament represent! Fully to bring home the truth that law-making unguided by adequate knowledge brings enormous evils, let me take an instance which a question of the day recalls.

Already I have hinted that interferences with the connexion between supply and demand, given up in certain fields after immense mischiefs had been done during many centuries, are now taking place in other fields. This connexion is supposed to hold only where it has been proved to hold by the evils of disregarding it: so feeble is men's belief in it. There appears no suspicion that in cases where it seems to fail, natural causation has been traversed by artificial hindrances. And yet in the case to which I now refer—that of the supply of houses for the poor—it needs but to ask what laws have been doing for a long time past, to see that the terrible evils complained of are mostly law-made.

A generation ago discussion was taking place concerning the inadequacy and badness of industrial dwellings, and I had occasion to deal with the question. Here is a passage then written:—

"An architect and surveyor describes it [the Building Act] as having worked after the following manner. In those districts of London consisting of inferior houses built in that unsubstantial fashion which the New Building Act was to mend, there obtains an average rent, sufficiently remunerative to landlords whose houses were run up economically before the New Building Act passed. This existing average rent fixes the rent that must be charged in these districts for new houses of the same accommodation—that is the same number of rooms, for the people they are built for do not appreciate the extra safety of living within walls strengthened with hoop-iron bond. Now it turns out upon trial, that houses built in accordance with the present regulations, and let at this established rate, bring in nothing like a reasonable return. Builders have consequently confined themselves to erecting houses in better districts (where the possibility of a profitable competition with pre-existing houses shows that those pre-existing houses were tolerably substantial), and have ceased to erect dwellings for the masses, except in the suburbs where no pressing sanitary evils exist. Meanwhile, in the inferior districts above described, has resulted an increase of overcrowding—half-a-dozen families in a house, a score lodgers to a room. Nay, more than this has resulted. That state of miserable dilapidation into which these abodes of the poor are allowed to fall, is due to the absence of competition from new houses. Landlords do not find their tenants tempted away by the offer of better accommodation. Repairs, being unnecessary for securing the largest amount of profit, are not made. . . . In fact, for a large percentage of the very horrors which our sanitary agitators are trying to cure by law, we have to thank previous agitators of the same school!"—*Social Statics*, p. 384 (edition of 1851).

These were not the only law-made causes of such evils. As shown in the following further passage, sundry others were recognized:—

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Writing before the repeal of the brick duty, the *Builder* says:—'It is supposed that one-fourth of the cost of a dwelling which lets for *2s. 6d.* or *3s.* a week is caused by the expense of the title-deeds and the tax on wood and bricks used in its construction. Of course, the owner of such property must be remunerated, and he therefore charges *7½d.* or *9d.* a week to cover these burdens.' Mr. C. Gatliff, secretary to the Society for Improving the Dwellings of the Working Classes, describing the effect of the window-tax, says:—'They are now paying upon their institution in St. Pancras the sum of £162 16*s.* in window-duties, or 1 per cent. per annum upon the original outlay. The average rental paid by the Society's tenants is *5s. 6d.* per week, and the window-duty deducts from this *7¼d.* per week.'"—*Times*, January 31, 1850.—*Social Statics*, p. 385 (edition of 1851).

Neither is this all the evidence which the press of those days afforded. There was published in *The Times* of December 7, 1850 (too late to be used in the above-named work, which I issued in the last week of 1850), a letter dated from the Reform Club, and signed "Architect," which contained the following passages:—

"Lord Kinnaird recommends in your paper of yesterday the construction of model lodging-houses by throwing two or three houses into one.

"Allow me to suggest to his Lordship, and to his friend Lord Ashley to whom he refers, that if,—

"1. The window tax were repealed,

"2. The Building Act repealed (excepting the clauses enacting that party and external walls shall be fireproof),

"3. The timber duties either equalized or repealed, and,

"4. An Act passed to facilitate the transfer of property,

"There would be no more necessity for model lodging-houses than there is for model ships, model cotton-mills, or model steam-engines.

"The first limits the poor man's house to seven windows,

"The second limits the size of the poor man's house to 25 feet by 18 (about the size of a gentleman's dining-room), into which space the builder has to cram a staircase, an entrance passage, a parlor, and a kitchen (walls and partitions included).

"The third induces the builder to erect the poor man's house of timber unfit for building purposes, the duty on the good material (Baltic) being fifteen times more than the duty on the bad or injurious article (Canadian). The Government, even, exclude the latter from all their contracts.

"The fourth would have considerable influence upon the present miserable state of the dwellings of the poor. Small freeholds might then be transferred as easily as leaseholds. The effect of building leases has been a direct inducement to bad building."

To guard against mis-statements or over-statements, I have taken the precaution to consult a large East-end builder and contractor of forty years' experience, Mr. C. Forrest, Museum Works, 17, Victoria Park Square, Bethnal Green, who, being churchwarden, member of the vestry, and of the board of guardians, adds extensive knowledge of local public affairs to his extensive knowledge of the building business. Mr. Forrest,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

who authorizes me to give his name, verifies the foregoing statements, with the exception of one which he strengthens. He says that "Architect" understates the evil entailed by the definition of "fourth-rate house;" since the dimensions are much less than those he gives (perhaps in conformity with the provisions of a more recent Building Act). Mr. Forrest has done more than this. Besides illustrating the bad effects of great increase in ground-rents (in sixty years from £1 to £8 10*s.* for a fourth-rate house) which, joined with other causes, had obliged him to abandon plans for industrial dwellings he had intended to build—besides agreeing with "Architect" that this evil has been greatly increased by the difficulties of land transfer due to the law-established system of trusts and entails; he pointed out that a further penalty on the building of small houses is inflicted by additions to local burdens ("prohibitory imposts" he called them): one of the instances he named being that to the cost of each new house has to be added the cost of pavement, roadway, and sewerage, which is charged according to length of frontage, and which, consequently, bears a far larger ratio to the value of a small house than to the value of a large one.

From these law-produced mischiefs, which were great a generation ago, and have since been increasing, let us pass to more recent law-produced mischiefs. The misery, the disease, the mortality, in "rookeries," made continually worse by artificial impediments to the increase of fourth-rate houses, and by the necessitated greater crowding of those which existed, having become a scandal, Government was invoked to remove the evil. It responded by Artisans' Dwellings Act; giving to local authorities powers to pull down bad houses and provide for the building of good ones. What have been the results? A summary of the operations of the Metropolitan Board of Works, dated December 21, 1883, shows that up to last September it had, at a cost of a million and a quarter to ratepayers, unhoused 21,000 persons and provided houses for 12,000—the remaining 9,000 to be hereafter provided for, being, meanwhile, left houseless. This is not all. Another local lieutenant of the Government, the Commission of Sewers for the City, working on the same lines, has, under legislative compulsion, pulled down in Golden Lane and Petticoat Square, masses of condemned small houses, which, together, accommodated 1,734 poor people; and of the spaces thus cleared five years ago, one has, by State authority, been sold for a railway station, and the other is only now being covered with industrial dwellings which will eventually accommodate one-half of the expelled population: the result up to the present time being that, added to those displaced by the Metropolitan Board of Works, these 1,734 displaced five years ago, form a total of nearly 11,000 artificially made homeless, who have had to find corners for themselves in miserable places that were already overflowing!

See then what legislation has done. By ill-imposed taxes, raising

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the prices of bricks and timber, it added to the costs of houses; and prompted, for economy's sake, the use of bad materials in scanty quantities. To check the consequent production of wretched dwellings, it established regulations which, in mediæval fashion, dictated the quality of the commodity produced: there being no perception that by insisting on a higher quality and therefore higher price, it would limit the demand and eventually diminish the supply. By additional local burdens, legislation has of late still further hindered the building of small houses. Finally, having, by successive measures, produced first bad houses and then a deficiency of better ones, it has at length provided for the artificially-increased overflow of poor people by diminishing the house-capacity which already could not contain them!

Where then lies the blame for the miseries of the East-end? Against whom should be raised "The bitter cry of outcast London?"

The German anthropologist Bastian, tells us that a sick native of Guinea who causes the fetish to lie by not recovering is strangled; and we may reasonably suppose that among the Guinea people, any one audacious enough to call in question the power of the fetish would be promptly sacrificed. In days when Governmental authority was enforced by strong measures, there was a kindred danger in saying anything disrespectful of the political fetish. Nowadays, however, the worst punishment to be looked for by one who questions its omnipotence, is that he will be reviled as a reactionary who talks *laissez-faire*. That any facts he may bring forward will appreciably decrease the established faith is not to be expected; for we are daily shown that this faith is proof against all adverse evidence. Let us contemplate a small part of that vast mass of it which passes unheeded.

"A Government-office is like an inverted filter; you send in accounts clear and they come out muddy." Such was the comparison I heard made many years ago by the late Sir Charles Fox, who, in the conduct of his business, had considerable experience of public departments. That his opinion was not a singular one, though his comparison was, all men know. Exposures by the press and criticism in Parliament, leave no one in ignorance of the vices of red-tape routine. Its delays, perpetually complained of, and which in the time of Mr. Fox Maule went to the extent that "the commissions of officers in the army" were generally "about two years in arrear," is afresh illustrated by the issue of the first volume of the detailed census of 1881, more than two years after the information was collected. If we seek explanations of such delays, we find one origin to be a scarcely credible confusion. In the case of the census returns, the Registrar-General tells us that "the difficulty consists not merely in the vast multitude of different areas that have to be taken into account, but still more in the bewildering complexity of their boundaries:" there being 39,000 adminis-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trative areas of 22 different kinds which overlap one another—hundreds, parishes, boroughs, wards, petty sessional divisions, lieutenancy divisions, urban and rural sanitary districts, dioceses, registration districts, &c. And then, as Mr. Rathbone, M.P., points out, these many superposed sets of areas with intersecting boundaries, have their respective governing bodies with authorities running into one another's districts. Does any one ask why for each additional administration Parliament has established a fresh set of divisions? The reply which suggests itself is—To preserve consistency of method. For this organized confusion corresponds completely with that organized confusion which Parliament each year increases by throwing on to the heap of its old Acts a hundred new Acts, the provisions of which traverse and qualify in all kinds of ways the provisions of multitudinous Acts on to which they are thrown: the onus of settling what is the law being left to private persons, who lose their property in getting judges' interpretations. And again, this system of putting networks of districts over other networks, with their conflicting authorities, is quite consistent with the method under which the reader of the Public Health Act of 1872, who wishes to know what are the powers exercised over him, is referred to 26 preceding Acts of several classes and numerous dates. So, too, with administrative inertia. Continually there occur cases showing the resistance of officialism to improvements; as by the Admiralty when use of the electric telegraph was proposed, and the reply was—"We have a very good semaphore system;" or as by the Post Office, which the late Sir Charles Siemens years ago said had obstructed the employment of improved methods of telegraphing and which since then has impeded the use of the telephone. Other cases akin to the case of industrial dwellings, now and then show how the State with one hand increases evils which with the other hand it tries to diminish; as when it puts a duty on fire-insurances and then makes regulations for the better putting out of fires: dictating, too, certain modes of construction which, as Captain Shaw shows, entail additional dangers. Again, the absurdities of official routine, rigid where it need not be and lax where it should be rigid, occasionally become glaring enough to cause scandals; as when a secret State-document of importance, put into the hands of an ill-paid copying-clerk who was not even in permanent Government employ, was made public by him; or as when the mode of making the Moorsom fuse, which was kept secret even from our highest artillery officers, was taught to them by the Russians, who had been allowed to learn it; or as when a diagram showing the "distances at which British and foreign iron-clads could be perforated by our large guns," communicated by an enterprising *attaché* to his own Government, then became known "to all the Governments of Europe," while English officers remained ignorant of the facts. So, too, with State-supervision. Guaranteeing of quality by inspection has been shown, in the hall-marking of silver, to be superfluous, while

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the silver trade has been decreased by it; and in other cases it has lowered the quality by establishing a standard which it is useless to exceed: instance the case of the Cork butter-market, where the higher kinds are disadvantaged in not adequately profiting by their better repute; or, instance the case of herring-branding (now optional), the effect of which is to put the many inferior curers who just reach the level of official approval, on a par with the few better ones who rise above it, and so to discourage these. But such lessons pass unlearned. Even where the failure of inspection is most glaring, no notice is taken of it; as instance the terrible catastrophe by which a train full of people was destroyed along with the Tay bridge. Countless denunciations, loud and unsparing, were vented against engineer and contractor; but little, if anything, was said about the Government officer from whom the bridge received State-approval. So, too, with prevention of disease. It matters not that under the management or dictation of State-agents some of the worst evils occur; as when the lives of 87 wives and children of soldiers are sacrificed in the ship *Accrington;* or as when typhoid fever and diphtheria are diffused by a State-ordered drainage system, as in Edinburgh; or as when officially-enforced sanitary appliances, ever getting out of order, increase the evils they were to decrease. Masses of such evidence leave unabated the confidence with which sanitary inspection is invoked—invoked, indeed, more than ever; as is shown in the recent suggestion that all public schools should be under the supervision of health-officers. Nay, even when the State has manifestly caused the mischief complained of, faith in its beneficent agency is not at all diminished; as we see in the fact that, having a generation ago authorized, or rather required, towns to establish drainage systems which delivered sewage into the rivers, and having thus polluted the sources of water-supply, an outcry was raised against the water-companies for the impurities of their water—an outcry which continued after these towns had been compelled, at vast extra cost, to revolutionize their drainage systems. And now, as the only remedy, there follows the demand that the State, by its local proxies, shall undertake the whole business. The State's misdoings become, as in the case of industrial dwellings, reasons for praying it to do more!

This worship of the legislature is, in one respect, indeed, less excusable than the fetish-worship to which I have tacitly compared it. The savage has the defence that his fetish is silent—does not confess its inability. But the civilized man persists in ascribing to this idol made with his own hands, powers which in one way or other it confesses it has not got. I do not mean merely that the debates daily tell us of legislative measures which have done evil instead of good; nor do I mean merely that the thousands of Acts of Parliament which repeal preceding Acts, are so many tacit admissions of failure. Neither do I refer only to such quasi-governmental confessions as that contained in the report of the Poor Law

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Commissioners, who said that—"We find, on the one hand, that there is scarcely one statute connected with the administration of public relief which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent." I refer rather to confessions made by statesmen and by State departments. Here, for example, in a memorial addressed to Mr. Gladstone, and adopted by a highly-influential meeting held under the chairmanship of the late Lord Lyttelton, I read:—

> "We, the undersigned, Peers, Members of the House of Commons, Ratepayers, and Inhabitants of the Metropolis, feeling strongly the truth and force of your statement made in the House of Commons, in 1866, that, 'there is still a lamentable and deplorable state of our whole arrangements with regard to public works—vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated, are united in our present system,'" &c., &c.

Here, again, is an example furnished by a recent minute of the Board of Trade (November, 1883), in which it is said that since "the Shipwreck Committee of 1836 scarcely a session has passed without some Act being passed or some step being taken by the legislature or the Government with this object" [prevention of shipwrecks]; and that "the multiplicity of statutes, which were all consolidated into one Act in 1854, has again become a scandal and a reproach:" each measure being passed because previous ones had failed. And then comes presently the confession that "the loss of life and of ships has been greater since 1876 than it ever was before." Meanwhile, the cost of administration has been raised from £17,000 a year to £73,000 a year.

It is surprising how, spite of better knowledge, the imagination is excited by artificial appliances used in particular ways. We see it all through human history, from the war-paint with which the savage frightens his adversary, down through religious ceremonies and regal processions, to the robes of a Speaker and the wand of an officially-dressed usher. I remember a child who, able to look with tolerable composure on a horrible cadaverous mask while it was held in the hand, ran away shrieking when his father put it on. A kindred change of feeling comes over constituencies when, from boroughs and counties, their members pass to the Legislative Chamber. While before them as candidates, they are, by one or other party, jeered at, lampooned, "heckled," and in all ways treated with utter disrespect. But as soon as they assemble at Westminster, those against whom taunts and invectives, charges of incompetence and folly, had been showered from press and platform, excite unlimited faith. Judging from the prayers made to them, there is nothing which their wisdom and their power cannot compass.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The reply to all this will doubtless be that nothing better than guidance by "collective wisdom" can be had—that the select men of the nation, led by a re-selected few, bring their best powers, enlightened by all the knowledge of the time, to bear on the matters before them. "What more would you have?" will be the question asked by most.

My answer is that this best knowledge of the time with which legislators are said to come prepared for their duties is a knowledge of which the greater part is obviously irrelevant, and that they are blameworthy for not seeing what is the relevant knowledge. No amount of the linguistic acquirements by which many of them are distinguished will help their judgments in the least; nor will they be appreciably helped by the literatures these acquirements open to them. Political experiences and speculations coming from small ancient societies, through philosophers who assume that war is the normal state, that slavery is alike needful and just, and that women must remain in perpetual tutelage, can yield them but small aid in judging how Acts of Parliament will work in great nations of modern types. They may ponder on the doings of all the great men by whom, according to the Carlylean theory, society is framed, and they may spend years over those accounts of international conflicts, and treacheries, and intrigues, and treaties, which fill historical works, without being much nearer understanding the how and the why of social structures and actions, and the ways in which laws affect them. Nor does such information as is picked up at the factory, on 'Change, or in the justice room, go far towards the required preparation.

That which is really needed is a systematic study of natural causation as displayed among human beings socially aggregated. Though a distinct consciousness of causation is the last trait which intellectual progress brings—though with the savage even a simple mechanical cause is not conceived as such—though even among the Greeks the flight of a spear was thought of as guided by a god—though from their times down almost to our own, epidemics have been habitually regarded as of supernatural origin—and though among social phenomena, the most complex of all, causal relations may be expected to continue longest unrecognized; yet in our days, the existence of such causal relations has become clear enough to force on all who think, the inference that before meddling with them they should be diligently studied. The mere facts, now familiar, that there is a connexion between the number of marriages and the price of corn, and that in the same society during the same generation, the ratio of crime to population varies within narrow limits, should be sufficient to make all see that human desires, using as guide such intellect as is joined with them, act with approximate uniformity. It should be inferred that among social causes, those initiated by legislation, similarly operating with an average regularity, must not only change men's actions, but, by consequence, change their natures—probably in ways not intended.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

There should be recognition of the fact that social causation, more than all other causation, is a fructifying causation; and it should be seen that indirect and remote effects are no less inevitable than proximate effects. I do not mean that there is denial of these statements and inferences. But there are beliefs and beliefs—some which are held nominally, some which influence conduct in small degrees, some which sway it irresistibly under all circumstances; and unhappily the beliefs of law-makers respecting causation in social affairs, are of the superficial sort. Let us look at some of the truths which all tacitly admit, but which scarcely any take account of in legislation.

There is the indisputable fact that each human being is in a certain degree modifiable, both physically and mentally. Every theory of education, every discipline, from that of the arithmetician to that of the prize-fighter, every proposed reward for virtue or punishment for vice, implies the belief, embodied in sundry proverbs, that the use or disuse of each faculty, bodily or mental, is followed by an adaptive change in it—loss of power or gain of power, according to demand.

There is the fact, also in its broader manifestations universally recognized, that modifications of structure, in one way or other produced, are inheritable. No one denies that by the accumulation of small changes, generation after generation, constitution fits itself to conditions; so that a climate which is fatal to other races is innocuous to the adapted race. No one denies that peoples who belong to the same original stock, but have spread into different habitats where they have led different lives, have acquired in course of time different aptitudes and different tendencies. No one denies that under new conditions new national characters are even now being molded; as witness the Americans. And if adaptation is everywhere and always going on, then adaptive modifications must be set up by every change of social conditions.

To which there comes the undeniable corollary that every law which serves to alter men's modes of action—compelling, or restraining, or aiding, in new ways—so affects them as to cause, in course of time, fresh adjustments of their natures. Beyond any immediate effect wrought, there is the remote effect, wholly ignored by most—a re-molding of the average character: a re-molding which may be of a desirable kind or of an undesirable kind, but which in any case is the most important of the results to be considered.

Other general truths which the citizens, and still more the legislator, ought to contemplate until they become wrought into his intellectual fabric, are disclosed when we ask how social activities are produced; and when we recognize the obvious answer that they are the aggregate results of the desires of individuals who are severally seeking satisfactions, and ordinarily pursuing the ways which, with their pre-existing habits and thoughts, seem the easiest—following the lines of least resistance: the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

truths of political economy being so many sequences. It needs no proving that social structures and social actions must in some way or other be the outcome of human emotions guided by ideas—either those of ancestors or those of living men. And that the right interpretation of social phenomena is to be found in the co-operation of these factors from generation to generation, follows inevitably.

Such an interpretation soon brings us to the inference that among men's desires seeking gratifications, those which have prompted their private activities and their spontaneous co-operations, have done much more towards social development than those which have worked through governmental agencies. That abundant crops now grow where once only wild berries could be gathered, is due to the pursuit of individual satisfactions through many centuries. The progress from wigwams to good houses has resulted from wishes to increase personal welfare; and towns have arisen under the like promptings. Beginning with traffic at gatherings on occasions of religious festivals, the trading organization, now so extensive and complex, has been produced entirely by men's efforts to achieve their private ends. Perpetually, governments have thwarted and deranged the growth, but have in no way furthered it; save by partially discharging their proper function and maintaining social order. So, too, with those advances of knowledge and those improvements of appliances, by which these structural changes and these increasing activities have been made possible. It is not to the State that we owe the multitudinous useful inventions from the spade to the telephone; it was not the State which made possible extended navigation by a developed astronomy; it was not the State which made the discoveries in physics, chemistry, and the rest, which guide modern manufacturers; it was not the State which devised the machinery for producing fabrics of every kind, for transferring men and things from place to place, and for ministering in a thousand ways to our comforts. The world-wide transactions conducted in merchants' offices, the rush of traffic filling our streets, the retail distributing system which brings everything within easy reach and delivers the necessaries of life daily at our doors, are not of governmental origin. All these are results of the spontaneous activities of citizens, separate or grouped. Nay, to these spontaneous activities governments owe the very means of performing their duties. Divest the political machinery of all those aids which Science and Art have yielded it—leave it with those only which State-officials have invented; and its functions would cease. The very language in which its laws are registered and the orders of its agents daily given, is an instrument not in the remotest degree due to the legislator; but is one which has unawares grown up during men's intercourse while pursuing their personal satisfactions.

And then a truth to which the foregoing one introduces us, is that this spontaneously-formed social organization is so bound together that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

you cannot act on one part without acting more or less on all parts. We see this unmistakably when a cotton-famine, first paralyzing certain manufacturing districts and then affecting the doings of wholesale and retail distributors throughout the kingdom, as well as the people they supply, goes on to affect the makers and distributors, as well as the wearers, of other fabrics—woollen, linen, &c. Or we see it when a rise in the price of coal, besides influencing domestic life everywhere, hinders many of our industries, raises the prices of the commodities produced, alters the consumption of them, and changes the habits of consumers. What we see clearly in these marked cases happens in every case, in sensible or in insensible ways. And manifestly, Acts of Parliament are among those factors which, beyond the effects directly produced, have countless other effects of multitudinous kinds. As I heard remarked by a distinguished professor, whose studies give ample means of judging—"When once you begin to interfere with the order of Nature there is no knowing where the results will end." And if this is true of that sub-human order of Nature to which he referred, still more is it true of that order of Nature existing in the social arrangements of human beings.

And now to carry home the conclusion that the legislator should bring to his business a vivid consciousness of these and other such broad truths concerning the society with which he proposes to deal, let me present somewhat more fully one of them not yet mentioned.

The continuance of every higher species of creature depends on conformity, now to one, now to the other, of two radically-opposed principles. The early lives of its members, and the adult lives of its members, have to be dealt with in contrary ways. We will contemplate them in their natural order.

One of the most familiar facts is that animals of superior types, comparatively slow in reaching maturity, are enabled when they have reached it, to give more aid to their offspring than animals of inferior types. The adults foster their young during periods more or less prolonged, while yet the young are unable to provide for themselves; and it is obvious that maintenance of the species can be secured only by this parental care. It requires no proving that the blind unfledged hedge-bird, or the young puppy even after it has acquired sight, would forthwith die if it had to keep itself warm and obtain its own food. The gratuitous aid must be great in proportion as the young one is of little worth, either to itself or to others; and it may diminish as fast as, by increasing development, the young one acquires worth, at first for self-sustentation, and by-and-by for sustentation of others. That is to say, during immaturity, benefits received must vary inversely as the power or ability of the receiver. Clearly if during this first part of life benefits

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

were proportioned to merits, or rewards to deserts, the species would disappear in a generation.

From this *régime* of the family-group, let us turn to the *régime* of that larger group formed by adult members of the species. Ask what happens when the new individual, acquiring complete use of its powers and ceasing to have parental aid, is left to itself. Now there comes into play a principle just the reverse to that above described. Throughout the rest of its life, each adult gets benefit in proportion to merit—reward in proportion to desert: merit and desert in each case being understood as ability to fulfil all the requirements of life—to get food, to find shelter, to escape enemies. Placed in competition with members of its own species and in antagonism with members of other species, it dwindles and gets killed off, or thrives and propagates, according as it is ill-endowed or well-endowed. Manifestly an opposite *régime,* could it be maintained, would, in course of time, be fatal. If the benefits received by each individual were proportionate to its inferiority—if, as a consequence, multiplication of the inferior was furthered, and multiplication of the superior hindered, progressive degradation would result; and eventually the degenerate species would fail to hold its ground in presence of antagonistic species and competing species.

The broad fact then, here to be noted, is that Nature's modes of treatment inside the family-group and outside the family-group are diametrically opposed to one another; and that the intrusion of either mode into the sphere of the other, would be destructive either immediately or remotely.

Does any one think that the like does not hold of the human species? He cannot deny that within the human family, as within any inferior family, it would be fatal to proportion benefits to merits. Can he assert that outside the family, among adults, there should not be, as throughout the animal world, a proportioning of benefits to merits? Will he contend that no mischief will result if the lowly endowed are enabled to thrive and multiply as much as, or more than, the highly endowed? A society of men, standing towards other societies in relations of either antagonism or competition, may be considered as a species, or, more literally, as a variety of a species; and it must be true of it as of other species or varieties, that it will be unable to hold its own in the struggle with other societies, if it disadvantages its superior units that it may advantage its inferior units. Surely none can fail to see that were the principle of family life to be adopted and fully carried out in social life—were reward always great in proportion as desert was small, fatal results to the society would quickly follow; and if so, then even a partial intrusion of the family *régime* into the *régime* of the State, will be slowly followed by fatal results. Society in its corporate capacity, cannot without immediate or remoter disaster interfere with the play of these opposed principles under which every

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

species has reached such fitness for its mode of life as it possesses, and under which it maintains that fitness.

I say advisedly—society in its corporate capacity; not intending to exclude or condemn aid given to the inferior by the superior in their individual capacities. Though when given so indiscriminately as to enable the inferior to multiply, such aid entails mischief; yet in the absence of aid given by society, individual aid, more generally demanded than now, and associated with a greater sense of responsibility, would, on the average, be given with the effect of fostering the unfortunate worthy rather than the innately unworthy: there being always, too, the concomitant social benefit arising from culture of the sympathies. But all this may be admitted while asserting that the radical distinction between family-ethics and State-ethics must be maintained; and that while generosity must be the essential principle of the one, justice must be the essential principle of the other—a rigorous maintenance of those normal relations among citizens under which each gets in return for his labor, skilled or unskilled, bodily or mental, as much as is proved to be its value by the demand for it: such return, therefore, as will enable him to thrive and rear offspring in proportion to the superiorities which make him valuable to himself and others.

And yet, notwithstanding the conspicuousness of these truths, which should strike every one who leaves his lexicons, and his law-deeds, and his ledgers, and looks abroad into that natural order of things under which we exist, and to which we must conform, there is continual advocacy of paternal government. The intrusion of family-ethics into the ethics of the State, instead of being regarded as socially injurious, is more and more demanded as the only efficient means to social benefit. So far has this delusion now gone, that it vitiates the beliefs of those who might, more than all others, be thought safe from it. In the essay to which the Cobden Club awarded its prize in 1880, there occurs the assertion that "the truth of Free Trade is clouded over by the *laissez-faire* fallacy;" and we are told that "we need a great deal more parental government—that bugbear of the old economists."

Vitally important as is the truth above insisted upon, since acceptance or rejection of it affects the entire fabric of political conclusions formed, I may be excused if I emphasize it by here quoting certain passages contained in a work I published in 1851: premising, only, that the reader must not hold me committed to such teleological implications as they contain. After describing "that state of universal warfare maintained throughout the lower creation," and showing that an average of benefit results from it, I have continued thus:—

"Note further, that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful. By the aid of which purifying process,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions, and therefore most productive of happiness, is ensured.

"The development of the higher creation is a progress towards a form of being capable of a happiness undiminished by these drawbacks. It is in the human race that the consummation is to be accomplished. Civilization is the last stage of its accomplishment. And the ideal man is the man in whom all the conditions of that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity, and the unfolding of it into this ultimate perfection, are both secured by that same beneficent, though severe discipline, to which the animate creation at large is subject: a discipline which is pitiless in the working out of good: a felicity-pursuing law which never swerves for the avoidance of partial and temporary suffering. The poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong, which leave so many 'in shallows and in miseries,' are the decrees of a large, far-seeing benevolence."

* * * * * * *

"To become fit for the social state, man has not only to lose his savageness, but he has to acquire the capacities needful for civilized life. Power of application must be developed; such modification of the intellect as shall qualify it for its new tasks must take place; and, above all, there must be gained the ability to sacrifice a small immediate gratification for a future great one. The state of transition will of course be an unhappy state. Misery inevitably results from incongruity between constitution and conditions. All these evils which afflict us, and seem to the uninitiated the obvious consequences of this or that removable cause, are unavoidable attendants on the adaptation now in progress. Humanity is being pressed against the inexorable necessities of its new position—is being moulded into harmony with them, and has to bear the resulting unhappiness as best it can. The process *must* be undergone, and the sufferings *must* be endured. No power on earth, no cunningly-devised laws of statesmen, no world-rectifying schemes of the humane, no communist panaceas, no reforms that men ever did broach or ever will broach, can diminish them one jot. Intensified they may be, and are; and in preventing their intensification, the philanthropic will find ample scope for exertion. But there is bound up with the change a *normal* amount of suffering, which cannot be lessened without altering the very laws of life."

* * * * * * *

"Of course, in so far as the severity of this process is mitigated by the spontaneous sympathy of men for each other, it is proper that it should be mitigated; albeit there is unquestionably harm done when sympathy is shown, without any regard to ultimate results. But the drawbacks hence arising are nothing like commensurate with the benefits otherwise conferred. Only when this sympathy prompts to a breach of equity—only when it originates an interference forbidden by the law of equal freedom—only when, by so doing, it suspends in some particular department of life the relationship between constitution and conditions, does it work pure evil. Then, however, it defeats its own end. Instead of diminishing suffering, it eventually increases it. It favors the multiplication of those worst fitted for existence, and, by consequence, hinders the multiplication of those best fitted for existence—leaving, as it does, less room for them. It tends to fill the world with those to whom life will bring most pain, and tends to keep out of it those to whom life will bring most pleasure. It inflicts positive

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

misery, and prevents positive happiness."—*Social Statics*, pp. 322-5 and pp. 380-1 (edition of 1851).

The lapse of a third of a century since these passages were published, has brought me no reason for retreating from the position taken up in them. Contrariwise, it has brought a vast amount of evidence strengthening that position. The beneficial results of the survival of the fittest, prove to be immeasurably greater than those above indicated. The process of "natural selection," as Mr. Darwin called it, co-operating with a tendency to variation and to inheritance of variations, he has shown to be a chief cause (though not, I believe, the sole cause) of that evolution through which all living things, beginning with the lowest and diverging and re-diverging as they evolved, have reached their present degrees of organization and adaptation to their modes of life. So familiar has this truth become that some apology seems needed for naming it. And yet, strange to say, now that this truth is recognized by most cultivated people —now that the beneficent working of the survival of the fittest has been so impressed on them that, much more than people in past times, they might be expected to hesitate before neutralizing its action—now more than ever before in the history of the world, are they doing all they can to further survival of the unfittest!

But the postulate that men are rational beings, continually leads one to draw inferences which prove to be extremely wide of the mark.

"Yes truly; your principle is derived from the lives of brutes, and is a brutal principle. You will not persuade me that men are to be under the discipline which animals are under. I care nothing for your natural-history arguments. My conscience shows me that the feeble and the suffering must be helped; and if selfish people won't help them, they must be forced by law to help them. Don't tell me that the milk of human kindness is to be reserved for the relations between individuals, and that Governments must be the administrators of nothing but hard justice. Every man with sympathy in him must feel that hunger and pain and squalor must be prevented; and that if private agencies do not suffice, then public agencies must be established."

Such is the kind of response which I expect to be made by nine out of ten. In some of them it will doubtless result from a fellow-feeling so acute that they cannot contemplate human misery without an impatience which excludes all thought of remote results. Concerning the susceptibilities of the rest, we may, however, be somewhat sceptical. Persons who are angry if, to maintain our supposed national "interests" or national "*prestige*," those in authority do not send out thousands of men to be partially destroyed while destroying other thousands of men because we suspect their intentions, or dislike their institutions, or want their territory,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cannot after all be so tender in feeling that contemplating the hardships of the poor is intolerable to them. Little admiration need be felt for the professed sympathies of people who urge on a policy which breaks up progressing societies; and who then look on with cynical indifference at the weltering confusion left behind, with all its entailed suffering and death. Those who, when Boers, asserting their independence, successfully resisted us, were angry because British "honor" was not maintained by fighting to avenge a defeat, at the cost of more mortality and misery to our own soldiers and their antagonists, cannot have so much "enthusiasm of humanity" as protests like that indicated above would lead one to expect. Indeed, along with this sensitiveness which it seems will not let them look with patience on the pains of "the battle of life" as it quietly goes on around, they appear to have a callousness which not only tolerates but enjoys contemplating the pains of battles of the literal kind; as one sees in the demand for illustrated papers containing scenes of carnage, and in the greediness with which detailed accounts of bloody engagements are read. We may reasonably have our doubts about men whose feelings are such that they cannot bear the thought of hardships borne, mostly by the idle and the improvident, and who, nevertheless, have demanded thirty-one editions of *The Fifteen Decisive Battles of the World,* in which they may revel in accounts of slaughter. Nay, even still more remarkable is the contrast between the professed tender-heartedness and the actual hard-heartedness of those who would reverse the normal course of things that immediate miseries may be prevented, even at the cost of greater miseries hereafter produced. For on other occasions you may hear them, with utter disregard of bloodshed and death, contend that in the interests of humanity at large, it is well that the inferior races should be exterminated and their places occupied by the superior races. So that, marvellous to relate, though they cannot bear to think of the evils accompanying the struggle for existence as it is carried on without violence among individuals in their own society, they contemplate with equanimity such evils in their intense and wholesale forms, when inflicted by fire and sword on entire communities. Not worthy of much respect then, as it seems to me, is this generous consideration of the inferior at home which is accompanied by unscrupulous sacrifice of the inferior abroad.

Still less respectable appears this extreme concern for those of our own blood which goes along with utter unconcern for those of other blood, when we observe its methods. Did it prompt personal effort to relieve the suffering, it would rightly receive approving recognition. Were the many who express this cheap pity like the few who devote large parts of their time to aiding and encouraging, and occasionally amusing, those who, by ill-fortune or incapacity, are brought to lives of hardship, they would be worthy of unqualified admiration. The more there are of men and women who help the poor to help themselves—the more there are

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of those whose sympathy is exhibited directly and not by proxy, the more we may rejoice. But the immense majority of the persons who wish to mitigate by law the miseries of the unsuccessful and the reckless, propose to do this in small measure at their own cost and mainly at the cost of others—sometimes with their assent but mostly without. More than this is true; for those who are to be forced to do so much for the distressed, often equally or more require something doing for them. The deserving poor are among those who are taxed to support the undeserving poor. As, under the old Poor Law, the diligent and provident laborer had to pay that the good-for-nothings might not suffer, until frequently under this extra burden he broke down and himself took refuge in the workhouse—as, at present, the total rates levied in large towns for all public purposes, have reached such a height that they "cannot be exceeded without inflicting great hardship on the small shop-keepers and artisans, who already find it difficult enough to keep themselves free from the pauper taint;" so in all cases, the policy is one which intensifies the pains of those most deserving of pity, that the pains of those least deserving of pity may be mitigated. Men who are so sympathetic that they cannot let the struggle for existence bring on the unworthy the sufferings consequent on their incapacity or misconduct, are so unsympathetic that they can, deliberately, make the struggle for existence harder for the worthy, and inflict on them and their children artificial evils in addition to the natural evils they have to bear!

And here we are brought round to our original topic—the sins of legislators. Here there comes clearly before us the commonest of the transgressions which rulers commit—a transgression so common, and so sanctified by custom, that no one imagines it to be a transgression. Here we see that, as indicated at the outset, Government, begotten of aggression and by aggression, ever continues to betray its original nature by its aggressiveness; and that even what on its nearer face seems beneficence only, shows, on its remoter face, not a little maleficence—kindness at the cost of cruelty. For is it not cruel to increase the sufferings of the better that the sufferings of the worse may be decreased?

It is, indeed, marvellous how readily we let ourselves be deceived by words and phrases which suggest one aspect of the facts while leaving the opposite aspect unsuggested. A good illustration of this, and one germane to the immediate question, is seen in the use of the words "protection" and "protectionist" by the antagonists of free-trade, and in the tacit admission of its propriety by free-traders. While the one party has habitually ignored, the other party has habitually failed to emphasize, the truth that this so-called protection always involves aggression; and that the name aggressionist ought to be substituted for the name protectionist. For nothing can be more certain than that if, to maintain A's profit, B is forbidden to buy of C, or is fined to the extent of the duty if he buys

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of C, then B is aggressed upon that A may be "protected." Nay, "aggressionists" is a title doubly more applicable to the anti-free-traders than is the euphemistic title "protectionists;" since, that one producer may gain, ten consumers are fleeced.

Now just the like confusion of ideas, caused by looking at one face only of the transaction, may be traced throughout all the legislation which forcibly takes the property of this man for the purpose of giving gratis benefits to that man. Habitually when one of the numerous measures thus characterized is discussed, the dominant thought is concerning the pitiable Jones who is to be protected against some evil; while no thought is given to the hard-working Brown who is aggressed upon, often much more to be pitied. Money is exacted (either directly or through raised rent) from the huckster who only by extreme pinching can pay her way, from the mason thrown out of work by a strike, from the mechanic whose savings are melting away during an illness, from the widow who washes or sews from dawn to dark to feed her fatherless little ones; and all that the dissolute may be saved from hunger, that the children of less impoverished neighbors may have cheap lessons, and that various people, mostly better off, may read newspapers and novels for nothing! The error of nomenclature is, in one respect, more misleading than that which allows aggressionists to be called protectionists; for, as just shown, protection of the vicious poor involves aggression on the virtuous poor. Doubtless it is true that the greater part of the money exacted comes from those who are relatively well-off. But this is no consolation to the ill-off from whom the rest is exacted. Nay, if the comparison be made between the pressures borne by the two classes respectively, it becomes manifest that the case is even worse than at first appears; for while to the well-off the exaction means loss of luxuries, to the ill-off it means loss of necessaries.

And now see the Nemesis which is threatening to follow this chronic sin of legislators. They and their class, in common with all owners of property, are in danger of suffering from a sweeping application of that general principle practically asserted by each of these confiscating Acts of Parliament. For what is the tacit assumption on which such Acts proceed? It is the assumption that no man has any claim to his property, not even to that which he has earned by the sweat of his brow, save by permission of the community; and that the community may cancel the claim to any extent it thinks fit. No defence can be made for this appropriation of A's possessions for the benefit of B, save one which sets out with the postulate that society as a whole has an absolute right over the possessions of each member. And now this doctrine, which has been tacitly assumed, is being openly proclaimed. Mr. George and his friends, Mr. Hyndman and his supporters, are pushing the theory to its logical issue. They have been instructed by examples, yearly increasing in number,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that the individual has no rights but what the community may equitably over-ride; and they are now saying—"It shall go hard but we will better the instruction," and abolish individual rights altogether.

Legislative misdeeds of the classes above indicated are in large measure explained, and reprobation of them mitigated, when we look at the matter from afar off. They have their root in the error that society is a manufacture; whereas it is a growth. Neither the culture of past times nor the culture of the present time, has given to any considerable number of people a scientific conception of a society—a conception of it as having a natural structure in which all its institutions, governmental, religious, industrial, commercial, &c., are interdependently bound—a structure which is in a sense organic. Or if such a conception is nominally entertained, it is not entertained in such way as to be operative on conduct. Contrariwise, incorporated humanity is very commonly thought of as though it were like so much dough which the cook can mould as she pleases into pie-crust, or puff, or tartlet. The communist shows us unmistakably that he thinks of the body politic as admitting of being shaped thus or thus at will; and the tacit implication of many Acts of Parliament is that aggregated men, twisted into this or that arrangement, will remain as intended.

It may indeed be said that, even irrespective of this erroneous conception of a society as a plastic mass instead of as an organized body, facts forced on his attention hour by hour should make every one sceptical as to the success of this or that proposed way of changing a people's actions. Alike to the citizen and to the legislator, home-experiences daily supply proofs that the conduct of human beings baulks calculation. He has given up the thought of managing his wife and lets her manage him. Children on whom he has tried now reprimand, now punishment, now suasion, now reward, do not respond satisfactorily to any method; and no expostulation prevents their mother from treating them in ways he thinks mischievous. So, too, his dealings with his servants, whether by reasoning or by scolding, rarely succeed for long; the falling short of attention, or punctuality, or cleanliness, or sobriety, leads to constant changes. Yet, difficult as he finds it to deal with humanity in detail, he is confident of his ability to deal with embodied humanity. Citizens, not one-thousandth of whom he knows, not one-hundredth of whom he ever saw, and the great mass of whom belong to classes having habits and modes of thought of which he has but dim notions, he feels sure will act in ways he foresees, and fulfil ends he wishes. Is there not a marvellous incongruity between premises and conclusion?

One might have expected that whether they observed the implications of these domestic failures, or whether they contemplated in every newspaper the indications of a social life too vast, too varied, too involved, to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be even vaguely pictured in thought, men would have entered on the business of law-making with the greatest hesitation. Yet in this more than anything else do they show a confident readiness. Nowhere is there so astounding a contrast between the difficulty of the task and the unpreparedness of those who undertake it. Unquestionably among monstrous beliefs one of the most monstrous is that while for a simple handicraft, such as shoemaking, a long apprenticeship is needful, the sole thing which needs no apprenticeship is making a nation's laws!

Summing up the results of the discussion, may we not reasonably say that there lie before the legislator several open secrets, which yet are so open that they ought not to remain secrets to one who undertakes the vast and terrible responsibility of dealing with millions upon millions of human beings by measures which, if they do not conduce to their happiness, will increase their miseries and accelerate their deaths?

There is first of all the undeniable truth, conspicuous and yet absolutely ignored, that there are no phenomena which a society presents but what have their origins in the phenomena of individual human life, which again have their roots in vital phenomena at large. And there is the inevitable implication that unless these vital phenomena, bodily and mental, are chaotic in their relations (a supposition excluded by the very maintenance of life) the resulting phenomena cannot be wholly chaotic: there must be some kind of order in the phenomena which grow out of them when associated human beings have to co-operate. Evidently, then, when one who has not studied such resulting phenomena of social order, undertakes to regulate society, he is pretty certain to work mischiefs.

In the second place, apart from *a priori* reasoning, this conclusion should be forced on the legislator by comparisons of societies. It ought to be sufficiently manifest that before meddling with the details of social organization, inquiry should be made whether social organization has a natural history; and that to answer this inquiry, it would be well, setting out with the simplest societies, to see in what respects social structures agree. Such comparative sociology, pursued to a very small extent, shows a substantial uniformity of genesis. The habitual existence of chieftainship, and the establishment of chiefly authority by war; the rise everywhere of the medicine man and priest; the presence of a cult having in all places the same fundamental traits; the traces of division of labor, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; prove to any who compare them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology, and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning the masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED